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# 501 Kinship Services Philosophy, Active Search, And Preferences For Placement

#### Major objectives:

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- A. Child and Family Services will make active efforts to locate potential kinship caregivers for placement of a child in agency custody and to build and sustain family connections for the child.
- B. In selecting a placement for a child in agency custody, preferential consideration will be given to a non-custodial parent, relative, or friend of the parent or guardian, as established in law, subject to the child's best interests.

#### **Applicable Law**

Utah Code Ann. §62A-4a-202.1. Entering home of a child – Taking a child into protective custody – Caseworker accompanied by peace officer – Preventive services – Shelter facility or emergency placement.

- 87 Utah Code Ann. §62A-4a-209. Emergency placement.
- 88 Utah Code Ann. §78A-6-306. Shelter hearing.
- 89 Utah Code Ann. §78A-6-307. Shelter hearing Placement DCFS custody.
- 90 Utah Code Ann. §78A-6-307.5. Post-shelter hearing placement of a child who is in division custody.
- 92 U.S. Code <u>Title 25, Chapter 21</u>. Indian Child Welfare.

# 501.1 Philosophy

All children need permanency through enduring relationships that provide stability, familiarity, and support for the culture of the child; support the child's sense of self based on existing attachments; provide for the child's safety and physical care; and connect the child to their past, present, and future through continuing family relationships. First priority is to maintain a child safely at home. However, if a child cannot safely remain at home, kinship care has the potential for providing these elements of permanency by virtue of the kin's knowledge of and relationship to the family and child.

All kinship work is done in the context of a Child and Family Team. Kinship care includes elements of child protection, in-home services, family preservation, and foster care.

When a child cannot safely remain home, kinship care is preferable to other out-of-home

108 placements if the kinship caregiver can keep the child safe and appropriately meet the

109 child's needs.

- The caregiver's willingness and ability to care for and keep the child safe are fundamental. The kinship caregiver must have or acquire knowledge of the child, be able to meet the child's needs, support reunification efforts, and be able to provide the child access to parents, siblings, and other family members through visits or caring for the child and siblings as a group.
  - Ongoing assessment of the child's safety, permanence, and well-being is important to the stability and value of kinship care. Ongoing assessment of safety is based on the components of safety decision-making, which include threats of harm, vulnerabilities of the child, and protective capacities of the kinship caregiver and their support system.

Providing for kinship care in the Child and Family Services spectrum of services requires active efforts to identify and locate kin families with whom children may form or continue relationships at home or in temporary or permanent placements. Support to kinship caregivers is essential to the success of the child's placement with the family and to the family's ability to respond to the needs of the child. As members of the Child and Family Team, kinship caregivers will seek support from other family members and from informal and formal supports to provide for the child.

# 501.2 Definitions

- A. Friend means an adult the child knows and is comfortable with. A friend does not meet the definition of a relative of the child as defined in Utah Code Ann. §78A-6-307, and may be an extended relative of the child that is not included in the definition of relative. An emergency placement may be made with a friend, if one is designated by the custodial parent or guardian of the child and the friend is a licensed foster parent or is willing to become a licensed foster parent within six months or sooner of the child being placed with them.
- B. Guardian is a person who has been appointed by a judge to take care of a minor child personally and/or manage that person's affairs until the child reaches majority at 18 years of age. The guardian (caregiver or responsible adult) has the authority to consent to the child's marriage; enlistment in the armed forces; major medical, surgical, or psychiatric treatment; and to legal custody, if legal custody is not vested in another person, agency, or institution. [See: Utah Code Ann. §78A-6-105.]
- C. Kinship caregiver means a non-custodial parent or relative as defined in this section, who is selected for placement and care of a child in Child and Family Services custody.

- D. Non-custodial parent is a natural parent as defined in Utah Code Ann. §78A-6-307 who is a biological or adoptive mother, an adoptive father, or a biological father who was married to the child's biological mother at the time the child was conceived or born or who has had paternity established, and who has not been granted legal custody of the child.
- Preliminary Placement means an out-of-home placement with a non-custodial parent or relative, or with a friend who is a licensed foster parent, which is referred to in statute as an emergency placement as authorized in Utah Code Ann. §62A-4a-209.
  - F. Relative is defined in Utah Code Ann. §78A-6-307 as a relative who is the child's "grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling, or the first cousin of the parent," or an adult who is an adoptive parent of the child's sibling. For an Indian child, relative also includes an "extended family member" as defined by the Indian Child Welfare Act (ICWA), <u>Title 25</u>, <u>Chapter 21</u>, which is "by the law or custom of the Indian child's tribe or, in the absence of such law or custom, will be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt, or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent."

# 501.3 Diligent Search For Kin And Written Notice

Federal and state laws require the caseworker to actively search for and provide notification to kin when a child enters protective custody of Child and Family Services. Within 30 days of removal, the caseworker will initiate diligent searches to identify and locate missing parents, grandparents, relatives, and/or potential kinship caregivers. The caseworker will work with designated kin locators or region appointed person to provide them with notice that a child related to them is in the custody of Child and Family Services. Efforts to locate kin and to build and sustain connections for the child will continue during the child's involvement with Child and Family Services.

#### Caseworker Responsibilities

- A. The caseworker will conduct a diligent and reasonable search to locate potential kinship caregivers (including the child's non-custodial parent, grandparents, other adult relatives, adults who are adoptive parents of the child's sibling, or friends willing to care for the child, by taking as many of the following steps as necessary:
  - 1. Interview the custodial parent or guardian to obtain the names, addresses, and telephone numbers of all potential kinship caregivers (including adoptive parents of the child's siblings) or friends who may be able to

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193 provide care for the child, or who may be a resource to a kinship caregiver 194 or friend that will have the child placed with them. 195 If a custodial parent or guardian objects to Child and Family Services a. 196 contacting a potential kinship caregiver, the supervisor and the 197 caseworker may assess whether to still contact the potential kinship 198 caregiver by considering the following factors: 199 If the safety of the child or the custodial parent or guardian (1) 200 will be jeopardized if the potential kinship caregiver is 201 contacted. 202 If contacting the potential kinship caregiver is in the best (2)203 interest of the child. 204 (3)If contacting the potential kinship caregiver will substantially

- limit Child and Family Services' ability to work with the custodial parent or guardian to the detriment of the child.

  If the custodial parent or guardian is uncooperative in providing the names of potential kinchin caregivers or friends who may have the
- b. If the custodial parent or guardian is uncooperative in providing the names of potential kinship caregivers or friends who may have the child placed with them, the caseworker may contact the Assistant Attorney General (AAG) to request the court to order the custodial parent to provide the names of all potential kinship caregivers within five working days.
- 2. Interview the child for names, addresses, and telephone numbers of kin or friends with whom the child is comfortable.
- 3. Ask participants at a Child and Family Team Meeting to help identify other potential kinship caregivers or friends who may be willing and able to care for the child.
  - a. Any friend or relative attending a Child and Family Team Meeting will be provided with the Notification Letter.
- 4. Interview known relatives or friends of the child.
- 5. Conduct a search in SAFE on the parent to determine if the parent has had previous cases with Child and Family Services where the child has been adopted. If possible, obtain the contact information of the adoptive parent.
- 6. As early as possible, contact the Native American tribe's ICWA caseworker to request names, telephone numbers, and addresses of possible kin for any eligible Indian child, then follow-up with tribal placement preferences during case development.
- B. The caseworker will contact the identified potential kinship caregiver(s) or friends by telephone, asking if they would like to be considered as a placement for the child, disclosing only the information necessary to assess their interest and/or to help identify additional kinship caregivers or friends who may have the ability to have the child placed with them. The potential kinship caregiver/friend will be

informed that the information discussed is confidential and will only be used by Child and Family Services to address the best interests of the child.

- C. The caseworker/kin locator or region appointed person will provide written notice to a non-custodial parent, all grandparents, and other adult relatives (including an adult who is an adoptive parent of the child's sibling) known to Child and Family Services or suggested by the legal parent(s) within 30 days of removal, except when family or domestic violence justifies not providing notice. The written notice will:
  - 1. Specify that the child has been or is being removed from the custody of the parent or parents of the child;
  - 2. Explain the options the relative has under federal, state or local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and
  - 3. Describe the requirements to become a licensed resource family or to request court ordered custody and guardianship and any additional services and supports that are available for children placed in a kinship caregiver home.

If a permanent placement has not been identified and if it is in the best interest of the child, the caseworker will continue to search for kinship caregivers. Kinship searches are required when children are not placed with kin and are in custody for over 12 months with no permanency options, or if there is any disruption or change in placement unless a kinship search was done within the past 90 days.

At the shelter hearing and subsequent hearings when requested, the caseworker will report progress of kinship exploration to the Guardian ad Litem (GAL), AAG, and court.

- Record all identified relatives or friends in SAFE located in the Person Screen under the Child and Family Relationships field.
- 2. The ongoing worker will make phone or face-to-face contact with kin/friends who have expressed interest in being involved with the child.
- 3. Responses to the Notification to Kin Letters will be filed in the green binder under the kinship tab.
- 4. The caseworker will continue searches as needed and contact kin locator with identified information on possible relatives.

#### Kin Locator or Region Appointed Person Responsibilities:

A. The kin locator or region appointed person will complete all searches on relatives/friends within 30 days of removal using only Child and Family Services approved processes.

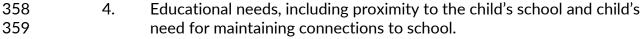
- 276 1. Complete searches on identified relatives or friends referred by the caseworker.
  - 2. If unable to identify or locate a non-custodial parent or family member, email the Office of Recovery Services (ORS) at ORSKINSHIPLOCATOR to request a search through the National Parent Locator Service. In the subject line, indicate DCFS Kinship Locate Request. If the time frame to locate the non-custodial parent is URGENT, this will be noted in the subject line. When searching for relatives, identify the name and Social Security Number. In the body of the email, identify the child's name, date of birth, Social Security Number, and name of caseworker making the request. ORS should respond to requests within one business day.
  - 3. Provide written notice (Notification to Relative Letter) to a non-custodial parent, all grandparents, all adoptive parents of the child's siblings, and other adult relatives known to Child and Family Services or suggested by the legal parent(s) within 30 days of removal, except when family or domestic violence justifies not providing notice. The written notice will:
    - a. Specify that the child has been or is being removed from the custody of the parent or parents of the child;
    - b. Explain the options the relative has under federal, state, or local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and
    - c. Describe the requirements to become a licensed resource family or to request court-ordered custody and guardianship and any additional services and supports that are available for children placed in a kinship caregiver home.
  - 4. Record all identified relatives or friends in SAFE located in the Child and Family Relationships field.
  - 5. Log returned Notification to Relatives response letters in SAFE Person Screen.
  - 6. Forward all returned Notification to Relatives letters to the caseworker. File these forms in the client's green binder under the kinship section.

## 501.4 Preferences For Placement

A. If parents share legal joint custody of a child but do not live together and Child and Family Services has determined that the child must be removed from one parent, protective custody is invoked. The child may be placed with the other parent according to the Preliminary Placement requirements for a non-custodial parent. Using the components of safety decision-making, determine with the other parent the supports necessary to keep the child safe. Report the legal joint custody status of the other parent to the court at the shelter hearing for the judge

- to make a decision about releasing the child to the other parent or ordering the child into Child and Family Services custody.
- 320 B. The following order of preference applies to placement of a child in the custody of Child and Family Services, and is subject to the child's best interest:
  - 1. A non-custodial parent of the child.
  - 2. A relative of the child.

- 3. A friend designated by the custodial parent or guardian of the child or an extended family member of the child, if the friend is licensed or willing to become a licensed foster parent within six months or sooner of the child being placed with them. The custodial parent or guardian may only designate up to two as potential Preliminary Placements, unless Child and Family Services otherwise agrees.
- 4. A former foster placement if still licensed, crisis care facility, or other foster placement designated by Child and Family Services.
- C. An eligible Indian child must be placed within the foster/pre-adoptive placement preferences established by ICWA:
  - 1. A non-custodial parent of the child.
  - 2. Member of the child's extended family, according to the tribe's customary definition of extended family (25 U.S.C. §1903(2)).
  - 3. Foster home licensed, approved, or specified by the Indian child's tribe.
  - 4. Indian foster home licensed or approved by an authorized non-Indian.
  - 5. An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs.
  - 6. If none of the above is possible, the child may be placed in a non-Indian foster home or other appropriate out of home placement.
- D. A child will be placed in a placement consistent with the child's needs, first taking into consideration preference of placement found in Practice Guidelines Section 704. The type of out-of-home placement for the child, either the initial placement or change in placement, will be determined within the context of the Child and Family Team. Placement level decisions will be made based upon the needs, strengths, and best interests of the child according to the following criteria (these are in no particular order, rather they will be considered in the context of each case and situation):
  - 1. Safety factors in regards to the potential placement, including the threats of harm to the child or that the child poses to others, the protective capacities of the caregiver, and the child's vulnerabilities.
  - 2. Reasonable proximity to the child's home.
  - 3. Placing siblings together unless there is a safety concern.



- 5. Needs specific to the child's age, including developmental level.
- 6. Cultural factors, language, and religion specific to the child.
- 7. Existing relationships between the child and a caregiver or other significant individuals in the child's life.
- 8. Health and mental health needs.
- 9. Potential for ongoing care or permanency with the caregiver to prevent unnecessary changes in placement.
- 368 E. Paternal and maternal relatives are to be considered equally when assessing for the best placement for the child.
- For the purpose of a Preliminary Placement, siblings who have only one parent in common may be placed together with the sibling's relative, if it is in the unrelated sibling's best interests. The relative will meet the Preliminary Placement requirements for a relative. Pursuit of a foster care license will be recommended to the caregiver if this is the selected ongoing placement for the child.
- 377 G. When choosing from multiple placement options, the Child and Family Team will try to reach a consensus as to which kinship placement would be the most appropriate for the child.
  - H. A potential kinship caregiver will not automatically be excluded from consideration for Preliminary Placement of a child in Child and Family Services custody due to factors that may prevent them from becoming licensed through the Office of Licensing, such as a citizenship status that is undocumented.
  - I. Preferential consideration means the Child and Family Team will consider the relative/friend for selection as a possible placement for the child, but does not guarantee that more than one potential kinship caregiver/friend will have background screening, limited home inspection, a Child-Specific Home Study, or that the child will be placed with the kinship caregiver/friend. Documentation of consideration and selection of potential kinship caregivers/friend by the Child and Family Team will be maintained in SAFE in Child and Family Team notes.
- J. Preferential consideration given to kinship caregivers in Utah Code Ann. §78A-6-395 307 expires 120 days from the date of the shelter hearing or, if no shelter hearing was held, then from the date the child was ordered into the custody of Child and Family Services. The Child and Family Team may consider potential kinship caregivers for placement after the 120 days has lapsed if it is in the best interest of the child.

K. Preferential consideration may be given to a friend if the friend is willing to become a licensed foster parent and actively working towards licensure within 120 days of the shelter hearing, or if no shelter hearing was held, within 120 days of the child being ordered into the custody of Child and Family Services.

# 501.5 Factors That May Delay Placement Or Hinder Permanency

When selecting a kinship caregiver, consideration will be given to factors that may result in a delay of placement or that may hinder progress towards the child's permanency goals. Factors of concern will be communicated to the potential kinship caregiver/friend, which may lead them to recommend a different kinship caregiver/friend to prevent a delay in placement or to better support potential permanency options.

A. Previous Child Abuse or Neglect Finding or Criminal History: Placement will likely be delayed if any adult in the home of the potential kinship caregiver/friend has had a previous child abuse or neglect finding or criminal history because more extensive identity verification and evaluation of threat of harm to a child is required. The kinship caregiver/friend may also be required to obtain and provide legal documents further explaining the criminal history. In addition, a Region Background Screening Committee will likely be required to evaluate the history before a decision regarding approval or denial can be made.

B. Out of Area/Out of State: If the potential kinship caregiver/friend lives out of the area, reunification efforts could be impacted by distance. Also, if the kinship caregiver/friend lives out of state, a significant amount of time may be required to complete the Interstate Compact for the Placement of Children (ICPC) requirements, including an out of state background screening and home study, which must be met prior to placement.

C. <u>Inability to Qualify for Adoption or as a Foster Parent:</u>

 If child abuse findings or criminal history do not meet the standards for the Office of Licensing, a kinship caregiver/friend would not be able to qualify for ongoing care of the child as a licensed foster parent or for adoption assistance, if that becomes the plan for the child.

 2. If a kinship caregiver/friend has a citizenship status that is undocumented, neither ongoing care as a licensed foster parent nor adoption assistance would be an option; potential arrest or deportation could also be a concern.

3. If adults in the home are cohabitating and are not legally married, careful consideration will be given to permanency options because Child and

442 443	Family Services cannot place a child in custody with caregivers that are cohabitating, even if they are licensed as foster parents, and neither
444	adoption nor adoption assistance could be pursued in Utah.
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446	If a decision is made in any of these types of circumstances to recommend custody and
447	guardianship to the kinship caregiver/friend, the court must be fully educated on the
448	risks and limitations for permanency.
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# 502 Kinship Services - Preliminary Placement

#### Major objectives:

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- A. Child and Family Services may place a child in custody into a Preliminary Placement with a kinship caregiver (non-custodial parent or relative), or a friend designated by a parent/guardian who is willing to become a licensed foster parent within six months or sooner of the child being placed with them.
- B. A Preliminary Placement is used to keep a child in Child and Family Services custody safe while the Child and Family Team makes decisions regarding the child's ongoing care and determines what steps are necessary to promote the safety, well-being, stability, and permanency of the child.
- C. Criteria for approving a kinship caregiver/friend for Preliminary Placement include background screening, assessment of safety, limited home inspection, general qualifying criteria, and may include a reference check.
- D. The kinship caregiver/friend is responsible to meet the basic needs of the child while in their care. The caseworker will educate and assist the kinship caregiver/friend on possible financial and medical resources to support the child's needs.
- E. The kinship caregiver/friend will assist in carrying out plans for visitation for the child and will be engaged as a participant in the Child and Family Team.

#### **Applicable Law**

- 476 Utah Code Ann. <u>§62A-2-120</u>. Criminal background checks Direct access to children or vulnerable adults.
- 478 Utah Code Ann. §62A-4a-202.1. Entering home of a child Taking a child into protective
- custody Caseworker accompanied by peace officer Preventive services Shelter facility or emergency placement.
- 481 Utah Code Ann. §62A-4a-209. Emergency placement.
- 482 Utah Code Ann. §62A-4a Part 7. Interstate Compact on the Placement of Children.
- 483 Utah Code Ann. §78A-6-306. Shelter hearing.
- 484 Utah Code Ann. §78A-6-307. Shelter hearing Placement DCFS custody.
- Utah Code Ann. §78A-6-307.5. Post-shelter hearing placement of a child who is in division custody.
- 487 U.S. Code <u>Title 25, Chapter 21</u>. Indian Child Welfare. 488

# 502.1 Preliminary Placement Overview

A Preliminary Placement is an out-of-home placement with a non-custodial parent, relative, or a friend (including an extended relative) of the custodial parent or guardian. A Preliminary Placement is used to keep a child in Child and Family Services custody safe while the Child and Family Team makes decisions regarding the child's ongoing care and determines what steps are necessary to promote the safety, well-being, stability, and permanency of the child. Preliminary Placement with a kinship caregiver or friend is preferred over crisis care and may be considered for emergency foster care to avoid the use of another out-of-home placement with a caregiver who is unfamiliar to the child. The Preliminary Placement may also remain as the child's ongoing placement with the kinship caregiver becoming a licensed foster parent or being granted custody and guardianship. The Preliminary Placement may also remain as the child's ongoing placement with the friend becoming a licensed foster parent. Friends may not be granted custody and guardianship of the child.

A Preliminary Placement may be made while a child is in protective custody prior to a shelter hearing or after a court has ordered a child into the custody of Child and Family Services. A Preliminary Placement may continue while an evaluation is conducted and a plan is formed for ongoing care of the child.

If it is determined that the Preliminary Placement will not be the ongoing placement for the child, the Preliminary Placement may assist in transitioning the child to an ongoing caregiver.

# 502.2 Selection Of Kinship Caregiver For Preliminary Placement

Child and Family Services is primarily responsible to select a kinship caregiver/friend for Preliminary Placement, taking into account preferences for placement, the best interest of the child, the kinship caregiver/friend's ability to meet qualifying requirements, and factors that may delay placement, result in multiple moves, or hinder progress towards the child's permanency goals.

Out-of-Home Practice Guidelines <u>Section 300</u> apply during a Preliminary Placement with the following exceptions:

- A. Traditional foster care placement screening or legal risk screening for foster/adoptive placements are not required when Preliminary Placement with a kinship caregiver/friend is being considered.
- B. No crisis care or residential screening processes are required.

The kinship caregiver will be at least 18 years of age; age 21 years or older is preferred because of age requirements to be licensed as a child-specific foster parent. A friend would be required to be aged 21 due to the requirement for them to obtain a foster parent license. In the event a non-custodial parent is younger than age 18 years, care must be given that the non-custodial parent has a permanent residence and sufficient means to care for and ensure the safety of the child, preferably with a responsible relative or other adult.

It may be necessary for the child to receive temporary care while background screening and a limited home inspection are being completed, or while waiting for the non-custodial parent, kinship caregiver, or friend to arrive to pick up the child. This care may be provided at sites identified by the region such as a crisis care facility or home, family support center, or other appropriate location.

# 502.3 Background Screening Requirements For Preliminary Placement

- A. The following background screenings are required for all adults age 18 years and older living in the home of the kinship caregiver/friend <u>prior to placement</u> of a child, with one exception.
  - 1. If the child is being placed with a non-custodial parent, this check may be completed for the non-custodial parent and any other adults age 18 years and older in the home before or within one day after a child is placed, excluding weekends and holidays, if based upon a limited investigation Child and Family Services determines that:
    - a. The non-custodial parent has regular, unsupervised visitation with the child that is not prohibited by law or court order; and
    - b. Based on the caseworker's best judgment and analysis of available information, there is no reason to believe that the child's health or safety will be endangered by making the placement prior to the background screening being completed.
  - 2. <u>Utah Criminal History Bureau of Criminal Identification (BCI)</u>: A non-fingerprint-based Utah BCI criminal history check must be approved for all adults age 18 years and older living in the home of the kinship caregiver/friend <u>prior to placement</u> of a child, except as noted above for a non-custodial parent.
  - 3. <u>Child and Adult Abuse and Neglect History Checks through SAFE</u>: SAFE background checks for child and adult abuse and neglect must be approved for all adults age 18 years and older living in the home of the kinship caregiver/friend <u>prior to placement</u> of a child, except as noted above for a non-custodial parent.

- B. The following background screenings are required for all adults age 18 years and older living in the home of the kinship caregiver or friend, as specified below, but may be completed after the child has been placed in a Preliminary Placement.
  - Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check:
    - a. This check is not mandatory for a non-custodial parent, but Child and Family Services may require this check if Utah criminal history or SAFE child abuse checks result in concerns about potential threat of harm to the child.
    - b. Live Scan fingerprint scanning must be completed or fingerprint cards submitted within 10 business days after placement of the child.
  - 2. Out of State Child Abuse Registry Check: An out of state child abuse registry check is required for any state in which a relative, friend, or other adult age 18 years and older in the home has lived in the previous five years. This check is not mandatory for a non-custodial parent, but Child and Family Services may require this check if Utah criminal history or SAFE child abuse checks result in concerns about potential threat of harm to the child.
  - 3. Out of Country Background Check:
    - a. If a relative, friend, or any other adult age 18 years and older in the home has resided outside of the U.S. in the five years prior to the request for background screening, Child and Family Services may require the kinship caregiver/friend to provide out of country background screening documentation prior to or after placing a child in a Preliminary Placement.
    - b. The kinship caregiver/friend may be required to provide the following documentation for adults age 18 years and older that have resided outside of the United States in the previous five years. Note that the United States territories of Puerto Rico, American Samoa, United States Virgin Islands, and Guam are considered outside of the United States. Contact information for embassies of countries outside of the United States can be obtained at <a href="http://www.embassy.org/embassies/">http://www.embassy.org/embassies/</a>.
      - (1) A criminal history report from each country lived in; or
      - (2) A letter of honorable release from the United States Military or full-time ecclesiastical service, from each country lived in; or
      - (3) Other written verification of criminal history from each country lived in or efforts to obtain such history.

- <u>Friend or Extended Family Member</u>: In cases where a placement is made with a friend or kinship caregiver that is already a licensed foster parent, no additional background screening is required for Preliminary Placement or as part of the evaluation of capacity for ongoing care of the child, unless there is valid reason to believe that the information obtained through the licensing process may no longer be complete. The background screening has already been completed as a part of the licensure process.
- C. Option to Require Additional Background Screening Prior to Placement: Child and Family Services may require a fingerprint-based national criminal history check, out of state child abuse registry check, or out of country criminal history check prior to placing a child in a Preliminary Placement with a kinship caregiver/friend when there is reason to believe that the additional background screening may be necessary to prevent threat of harm for the child. If there is a concern about a juvenile court history, consult with the AAG to determine whether or not those records can be accessed.

Examples of circumstances in which additional background screening may be appropriate include need for verification of identify for a non-fingerprint-based Utah BCI criminal history report, indication of multi-state offense on the Utah BCI criminal history report, recent move to Utah, suspicious behavior or circumstances, or concerns regarding out of state criminal or abuse activity reported by a person known to the individual.

# 502.4 Limited Home Inspection For Preliminary Placement

- A. The caseworker, supervisor, or other employee designated by the region director will conduct a limited home inspection in the home of the potential kinship caregiver/friend prior to placement to determine if there are apparent conditions that may present a threat of harm to the child, with one exception as indicated below.
  - If the child is being placed with a non-custodial parent, the limited home inspection may be completed before or within one day after a child is placed, excluding weekends and holidays, if based upon a limited investigation Child and Family Services determines that:
  - 1. The non-custodial parent has regular, unsupervised visitation with the child that is not prohibited by law or court order; and
  - 2. Based on the caseworker's best judgment and analysis of available information, there is no reason to believe that the child's health or safety will be endangered by making the placement prior to completion of the limited home inspection.

- 657 B. The limited home inspection determines if the following are met:
  - 1. The home is free from observable safety, health and fire hazards. (See Environmental Neglect in Practice Guidelines <u>Section 204.5.</u>)
  - 2. There are adequate sleeping arrangements to meet the specific needs of each child; and
  - 3. Any firearms, ammunition, hazardous chemicals, and/or medications are secured and not accessible to children.

C. In situations where the non-custodial parent, kinship caregiver, or friend lives in Utah but outside of the region where the child resides, the supervisor of the child's caseworker will contact a CPS supervisor in the respective region as soon as possible to request a limited home inspection. The receiving region will make contact with the non-custodial parent, kinship caregiver, or friend to schedule and complete the limited home inspection according to the urgency identified by the requesting region.

## 502.5 Assessment Of Safety For Preliminary Placement

The caseworker, supervisor, or other person designated by the region director will conduct an assessment of safety for placement of a child with a potential kinship caregiver/friend, based on safety decision-making, which includes:

#### A. Specific and Observable Threats of Harm:

- 1. Background screening results,
- 2. Other persons who have regular access to the home, and
- 3. Age-specific environmental conditions.

- B. Vulnerabilities of the Child:
  - 1. The child's comfort level with the kinship caregiver/friend, and
  - 2. Age and developmental level of the child.

- C. <u>Protective Capacities of the Kinship Caregiver/Friend and Their Support System:</u>
  - 1. Ability of the kinship caregiver/friend to meet or address the safety, physical, and emotional needs of the child, and
  - 2. Access to resources.

# **Solution** 502.6 Reference Check For Preliminary Placement

A. Child and Family Services may request the name and contact information for a reference from the potential kinship caregiver/friend and may contact the

individual to obtain input about the potential kinship caregiver/friend's ability to safely care for the child. The caseworker may ask for information such as:

- 1. How familiar the individual is with the kinship caregiver/friend.
- 2. If the individual would recommend the placement of a child in the home of the kinship caregiver/friend.
- 3. What information the individual can provide regarding the kinship caregiver/friend's capacity to care for a child.
- 4. Whether the individual has knowledge of the kinship caregiver/friend's interaction with the child.
- 5. Whether the individual is aware of any other relatives or friends of the child to consider as a possible preliminary or long-term placement.
- 6. Any other information the individual can provide that will assist the caseworker in assessing the appropriateness of the placement.
- B. The caseworker will assess the individual's level of familiarity with the potential kinship caregiver/friend before giving significant consideration to the information provided. If negative feedback is received from the individual, the caseworker will consider further assessment of the potential kinship caregiver/friend prior to making the Preliminary Placement.

# 502.7 General Qualifying Requirements For Preliminary Placement

In addition to requirements specified above for a non-custodial parent, kinship caregiver, relative, or friend, the following requirements must be met prior to approving Preliminary Placement of a child with a kinship caregiver/friend:

- A. If the Preliminary Placement is being considered prior to the shelter hearing, Child and Family Services will ask the child's custodial parent or guardian to sign a Preliminary Placement Agreement stating that they:
  - 1. Agree not to remove the child from the home of the kinship caregiver/friend.
  - 2. Agree not to have any contact with the child until after the shelter hearing, unless authorized by Child and Family Services in writing.

The caseworker will document in activity logs if the parent or guardian refuses or is not able to sign a parent/guardian Preliminary Placement Agreement. Child and Family Services may place a child with a kinship caregiver/friend if a parent refuses or is unable to sign a Preliminary Placement Agreement if it is in the child's best interest.

If the Preliminary Placement is being made after the shelter hearing and the court has ordered the child into Child and Family Services custody, no custodial parent

- 739 or guardian agreement is required. 740
- 741 B. The kinship caregiver/friend:

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- 1. Signs a Preliminary Placement Agreement stating that they:
- 2. Are able and willing to keep the child safe and provide daily care and nurturance.
- Agree not to allow the custodial parent or guardian to have any contact with the child unless authorized by the court or Child and Family Services in writing.
- 4. Agree to contact law enforcement and Child and Family Services if the custodial parent or guardian attempts to make unauthorized contact with the child.
- 5. Are able and willing to take the child to medical, mental health, dental, and educational appointments at the request of Child and Family Services.
- 6. Agree to allow Child and Family Services and the child's GAL to have access to the child.
- 7. Are willing to support the child's permanency plan, including assisting the custodial parent or guardian in reunification efforts at the request of Child and Family Services.
- 8. Are willing to follow all court orders.
- Have been informed and understand that Child and Family Services may continue to search for other possible placements for long-term care of the child, if needed.
- 10. Agree to submit a background screening application, copy of photo identification, and fingerprints through Live Scan or hard copy cards for a fingerprint-based background check within 10 business days of placement of the child.
- 11. Agree to inform Child and Family Services of any changes or circumstances that might affect the child's well-being such as a change in health, address, or caregiving arrangements.
- C. The child is comfortable with the kinship caregiver/friend.
- 772 D. A supervisor approves the placement.
- 774 E. Child and Family Services may not place a child with an individual who is prohibited by court order from having access to that child.

# 502.8 Preliminary Placement With A Friend

A child may be placed in the home of a friend (including an extended relative) designated by the custodial parent or guardian of the child, if the friend is a licensed foster parent,

or if the friend agrees to become a licensed foster parent within six months of the child being placed with them. All Out-of-Home Practice Guidelines in <u>Section 300</u> apply to the friend or extended relative of the child. [See: Administrative Rule <u>R512-500-4</u>.]

Child and Family Services staff will be aware that when a Preliminary Placement of a child is made with a friend designated by the parent, the friend is not eligible for the specified relative grant or other financial benefits through the Division of Workforce Services (DWS). At this time, with the exception of cases where the child has a trust account and/or a parent with the ability to pay child support, there are no financial supports available for friends designated by the parents as caregivers for the child until the friend becomes a licensed foster parent. Staff will give careful consideration to whether the friend has the financial capability to support the child's needs during the period before completion of foster care licensure. Friends chosen as caregivers for a child in custody may be eligible to receive a Medicaid card for the child through DWS while pursuing foster parent licensure.

When Child and Family Services makes a Preliminary Placement with an unlicensed friend, the friend caregiver is required to be actively engaged in the process of obtaining foster parent licensure within 60 days of the child being placed with them. If a friend caregiver receives a probationary license, the friend caregiver must continue the process and obtain foster parent licensure within six months of the child being placed with them or the child will be removed from the home of the friend caregiver. Foster parent licensure refers to being licensed as a foster parent or obtaining a child-specific license through the Utah Department of Human Services, Office of Licensing.

When the kinship worker or other designated staff begin to meet with the friend caregiver after the child is placed, information will be provided to the friend caregiver to assist them in caring for the needs of the child and planning for the child's permanency. The kinship worker will review with the friend caregiver the requirement that they obtain foster parent licensure, help them understand the steps to complete for foster parent licensure, as well as what resources are available to them once they become licensed.

- A. The kinship or other designated staff will discuss with the friend caregiver the advantages and responsibilities of becoming a licensed foster care placement for the child. Resources and advantages include:
  - 1. Monthly foster care payment.
  - 2. Medical needs maintained by Child and Family Services to cover Medicaid, dental, and mental health needs.
  - 3. Access to and assistance from a Resource Family Consultant.

821 4. Further options for supports and resources, such as trackers, respite, and 822 mental health services, other than those found through the local mental 823 health authorities. 824 5. Educational and training opportunities to assist them in meeting the needs 825 of the child. 826 6. Cluster support groups. 827 7. Respite care. 828 8. If the child's permanency goal changes to adoption, the AAG will facilitate 829 a process for termination of parental rights and the child will be assessed 830 for monthly adoption assistance. 831 9. Transition to Adult Living resources. 832 10. Health Care Nurse. 833 834 In an effort to support the permanency needs of the child and expedite the ability of B. 835 the friend caregiver to obtain foster parent licensure, a caseworker and/or kinship 836 worker will complete the following after the placement of the child with the friend 837 caregiver: 838 1. Within two months (or earlier) of initial placement of the child with the 839 friend caregiver: The caseworker, kinship worker, or other designated 840 Child and Family Services staff will conduct a child and family team 841 meeting for the purpose of addressing the permanency needs of the child. 842 The Child and Family Team Meeting will include the following individuals 843 (when applicable): the friend with whom the children were placed, other 844 potential kinship caregivers and relatives, the caseworker, the kinship 845 resource family consultant, and any other Child and Family Services staff 846 involved in the placement, if the placement is made in another region. 847 Child and Family Services staff will do the following in the Child and Family 848 **Team Meeting:** 849 Educate the friend caregiver regarding permanency timeframes and a. 850 other information associated with the case. 851 b. Review the advantages of becoming licensed with the friend 852 caregiver (listed in A1 above). Remind the friend caregiver that 853 when the child was initially placed with them, they agreed to 854 become a licensed foster care provider. 855 Review the progress of the friend caregiver in obtaining the c. 856 probationary license. 857 d.

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probationary license.

If the friend caregiver does not have the probationary license, assess whether there are systemic issues that have prevented it or whether the friend caregiver has not actively engaged in the process of obtaining the probationary license. If the friend caregiver has not engaged in the process of obtaining a probationary license, assess

862 whether the friend caregiver is able to care for the needs of the 863 child and whether the child needs to be moved to a new placement. 864 If the friend caregiver has received a probationary license, explain e. 865 there are further steps to achieve foster parent licensure and that 866 the probationary license will expire after six months. 867 Review the steps for obtaining foster parent licensure. f. 868 Review the progress of the friend caregiver in obtaining foster g. 869 parent licensure. 870 Assess whether the friend caregiver is actively engaged in the h. 871 process of obtaining the foster parent license. Examples of being 872 "actively engaged" include but are not limited to the following: 873 (1) Licensing application has been completed. 874 Information for references have been filled out and returned (2)875 to the Office of Licensing (OL). Child and Family Services kinship staff has been contacted to 876 (3)877 schedule a home study. 878 (4)Medical appointments are scheduled or complete. 879 (5) FBI fingerprint background screening has been completed. 880 Friend caregiver has begun required foster parent training. If the friend caregiver is not actively engaged in the process of 881 i. 882 obtaining foster parent licensure, assess whether the child needs to 883 be removed from the friend caregiver's care and explore other 884 placement options for the child. 885 (1)Remind the friend caregiver that if foster parent licensure is 886 not completed prior to the probationary license expiring, the 887 child will be removed from their care. 888 Introduce the concept of adoption to the friend caregiver and (2)889 provide education regarding the child's need for permanency, 890 including educating the friend caregiver regarding the 891 resources available through Adoption Assistance and post 892 adoption support if the friend caregiver becomes licensed. 893 If the friend caregiver has not yet become licensed, discuss (3)894 any obstacles to obtaining licensure and help formulate a 895 written action plan to overcome the barriers. The written 896 plan will state Child and Family Services' expectations of the 897 friend caregiver, provide specific steps and designate who is responsible for each step, and outline specific dates to 898 899 accomplish the steps prior to meeting in two more months. 900 2. Within four months (or earlier) of initial placement of the child with the 901 friend caregiver, if the friend caregiver has not yet received the foster 902 parent license, the caseworker or kinship worker will conduct a Child and

Family Team Meeting for the purpose of assessing the progress of the

friend caregiver on the written plan that was completed in the prior team meeting. Participants in the Child and Family Team Meeting will include those outlined above in B1. Child and Family Services staff will do the following in the Child and Family Team Meeting:

- Educate the friend caregiver that there are only two months remaining in which they should have completed or be well into the process of obtaining a foster parent license for the child(ren) placed in their home.
- b. Inform the friend caregiver that if foster parent licensure is not obtained and/or if the friend is not actively engaged in the process of becoming licensed within six months of the child being placed there, the child will be removed from their care.
- Discuss any obstacles to obtaining licensure and modify the action plan to overcome the barriers. The written plan will:
   State Child and Family Services' expectations of the friend caregiver
  - (1) Provide specific steps and designate who is responsible for each step.
  - (2) Outline specific dates to accomplish the steps in the action plan.
  - (3) Schedule a further meeting to discuss any remaining barriers for obtaining the foster parent license prior to the end of the sixth month.
  - (4) State in writing that if a foster parent license is not obtained within six months of the child being placed there, then the child will be removed from their care.
  - (5) State in writing that if the foster parent license if not obtained by the end of the sixth month, the next meeting will be to discuss a transition for the child to another placement.
- d. Discuss other placement options for the child, and if possible, identify who the child will be placed with if the friend caregiver is unable to obtain the foster parent license.
- e. If the friend caregiver is not actively engaged in the process of licensure at the time of the four month meeting, plans to transition the child to live with another relative or foster home will be arranged and pursued immediately, in a manner that limits trauma to the child.
- 3. Within six months of initial placement, if the friend caregiver has not received the foster parent license and the child remains in the home while retaining the status of being in foster care, the caseworker or kinship worker will:
  - a. Assess whether the barriers to licensure or custody and guardianship are the result of barriers in the system or the result of

- the kinship caregiver's lack of follow through on the written action plan.
  - b. If the barriers to licensure are the result of systemic issues, the kinship worker will staff the situation with a supervisor to determine if the barriers will likely be overcome and the child may remain in the home pending licensure. The staffing will include any steps that Child and Family Services must take in order to assist in completion of the licensure process. The staffing will be documented in the activity logs of each child's case.
  - c. If the barriers are a result of the friend caregiver's lack of follow through, the kinship worker will conduct a child and family team for the purpose of planning to transition the child from the friend caregiver's home into the home of another relative or foster parent and addressing the child's permanency plan. Participants in the Child and Family Team Meeting will include those outlined above in B1, as well as the identified caregiver that will have the child placed with them.
  - d. Unless the friend caregiver is close to completing licensure and has completed all the necessary steps to obtain the license, the child will be removed and placed in a home that is willing to provide permanency for the child.
  - e. In unusual circumstances, the case may be staffed to determine if remaining in the unlicensed home that does not have custody or guardianship is in the best interest of the child. This option will not be readily utilized. The staffing shall be done first with the Child and Family Team. Then it will be done with the State Office kinship administrator and the deputy director of Child and Family Services.

# 502.9 Preliminary Placement With A Kinship Caregiver Out Of State

- A. If the non-custodial parent lives outside of Utah, all requirements under the ICPC, including parent home study and background screening, must be completed as described in Practice Guidelines General Major Objectives <u>Section 703</u> prior to placement of the child out of state.
- B. If a relative lives outside of Utah, all requirements under the ICPC, including relative home study and background screening, must be completed as described in Practice Guidelines General Major Objectives <u>Section 703</u> prior to placement of the child out of state.
- C. If the friend who is designated for placement of the child lives outside of Utah, all requirements under the ICPC, including fingerprint-based background screening

and being licensed as a foster parent in the receiving state, will be completed as described in Practice Guidelines General Major Objectives Section 703 prior to placement of the child out of state.

D. If the child being placed is an Indian child and the kinship caregiver approved by the tribe lives outside of Utah, the tribe must have completed their own approval or licensure for the home prior to the child being placed out of state. Child and Family Services may only make foster care maintenance payments to the home if the home is licensed by the tribe or the receiving state, and may only make Title IV-E foster care maintenance payments if fingerprint-based background checks and out of state child abuse registry checks have been approved as part of the licensing process. If the tribe has custody of the child, then ICPC does not apply.

## 502.10 Notice Of Preliminary Placement

Notice must be provided to the court and all parties to a case when a child is placed in or moved from a Preliminary Placement. Written notice must be provided within three days after making or changing the placement, excluding weekends and holidays.

# 502.11 Preliminary Placement Coding In SAFE

- A. When the court orders a child into Child and Family Services custody, an SCF case will be opened in SAFE.
- B. The caseworker will open a Preliminary Placement with a non-custodial parent, kinship caregiver, or friend in SAFE using the BHR code.

# 502.12 Preliminary Placement Financial And Medical Support

The kinship caregiver/friend caregiver is responsible to meet the basic needs of the child while in their care, including meeting the health care requirements specified in Practice Guidelines Section 303.5. The caseworker will educate the kinship caregiver about potential financial and medical resources that may be available to assist them while caring for the child and will assist them in submitting an application and supporting documents for financial and medical benefits to the Department of Workforce Services (DWS), if needed. Applications for assistance will be submitted to DWS within 10 business days after the child's placement.

Child and Family Services staff will be aware that when a Preliminary Placement of a child is made with a friend designated by the parent, the friend is not eligible for the specified relative grant or other financial benefits through the Division of Workforce Services (DWS). At this time, with the exception of cases where the child has a trust

account and/or a parent with the ability to pay child support, there are no financial supports available for friends designated by the parents as caregivers for the child until the friend becomes a licensed foster parent. Staff will give careful consideration to whether the friend has the financial capability to support the child's needs during the period before completion of foster care licensure. Friends chosen as caregivers for a child in custody may be eligible to receive a Medicaid card for the child through DWS while pursuing foster parent licensure.

#### A. <u>Financial Support</u>:

- 1. Child Support Office of Recovery Services (ORS):
  - a. If a child is placed with a non-custodial parent, that parent may contact ORS to have an existing child support case reviewed to determine if child support payments may be discontinued or reduced or may apply to establish a child support case.
  - b. If a child is placed with a relative or friend caregiver, the caseworker will inform the relative or friend caregiver that when a child is ordered into Child and Family Services custody, the court also orders the parent from whom the child is removed to contact ORS to establish a child support case to reimburse the state for cost of care. Some relatives are hesitant to apply for public assistance and to sign the required Duty of Support form when applying for financial or medical benefits because of fear it will result in the person from whom the child was removed having an obligation for child support. The relative needs to understand that the court already ordered this financial obligation when the child was taken into custody, and the relative receiving a specified relative grant does not add to the financial obligation of the parent from which the child was removed.

#### 2. Public Assistance - DWS:

- A non-custodial parent may apply for financial assistance, food stamps, or child care through DWS. Income and assets of all members of the household will be considered for determining eligibility.
- b. A relative may apply for specified relative financial assistance to care for a related child through DWS. Eligibility for specified relative assistance is based only on the income and assets of the child. The relative needs to understand that when completing the application, they will indicate on the form that assistance is only being requested for the relative child so that the income and assets of all members of the household are not considered for determining eligibility.

- 3. Child's Unearned Income Social Security or Supplemental Security Income: When a child in Child and Family Services custody receives unearned income, such as Social Security or Supplemental Security Income (SSI), Child and Family Services will become the representative payee for the child's income as specified in Practice Guidelines <a href="Section 303.16">Section 303.16</a>. If the child is placed with a non-custodial parent, unlicensed relative, or friend not eligible for a foster care payment (hereinafter "caregiver") in a Preliminary Placement, Child and Family Services will assess whether a Kinship Caregiver Maintenance Reimbursement will be issued to the caregiver from the child's trust account.
  - a. The caregiver will complete the "Division of Child and Family Services Kinship Caregiver Maintenance Reimbursement Agreement" form.
  - b. Child and Family Services will issue the kinship caregiver maintenance reimbursement to the caregiver from the funds in the child's trust account, up to a maximum of the basic daily foster care rate. The rate paid to the caregiver will be based on the child's age and the number of days the child is in the caregiver's home. Thirty-five dollars must be maintained in the child's trust account from each monthly deposit. [See: Section 303.16.]
  - c. The caseworker is required to access the Trust Account System monthly to request the kinship caregiver maintenance reimbursement, as well as personal needs funds through the SAFE web system. [See: Section 303.16.]
  - d. Payment will be issued the month after the child received care in the caregiver's home.
  - e. This reimbursement is to be used for the maintenance and basic needs of the child (such as housing, utilities, food, supervision, and personal incidentals).
  - f. The caregiver will not be required to provide Child and Family Services with receipts for these maintenance and basic needs expenses, once the maintenance reimbursement is established.
  - g. The caregiver may submit a request for funds to the caseworker to help pay for specific additional needs of the child. Approval is subject to availability of funds and administrative approval. Receipts are required for approved expenses.
  - h. Child and Family Services will continue to verify the child lives with the caregiver.
  - i. The caregiver will notify the caseworker if the child no longer resides in the home.
- 4. Foster Care Payment: After completion of the foster care licensing process, a friend or relative who is selected for ongoing placement of the

- child will receive a foster care payment appropriate for the child's level of need and the provider's level of training.
  - 5. Special Needs Payment: Special needs payments may be made for children who are in a Preliminary Placement with a kinship caregiver/friend, according to limits for children in out of home care, if other resources are not available to meet those needs.
  - B. <u>Health Care Resources</u>: A kinship caregiver that is not a licensed foster parent is responsible to seek resources to pay for health care for the child while in a Preliminary Placement.
    - 1. Medicaid and Children's Health Insurance Program (CHIP):
      - a. Child and Family Services eligibility workers cannot issue Medicaid for a child who is in a Preliminary Placement with a non-custodial parent or relative who is not a licensed foster parent; however, the caseworker is still responsible to submit the DCFS Title IV-E and Medicaid Application within 30 days after the child is placed in Child and Family Services custody (see Practice Guidelines Section 303.9) so an initial Title IV-E eligibility determination can be completed. Eligibility workers can issue Medicaid for a child who is placed in a Preliminary Placement or ongoing placement with friend or extended relative who is licensed as a foster parent.
      - b. A non-custodial parent, relative, or friend may apply for Medicaid or CHIP for the child through DWS. Income and assets of all persons in the household will be considered for determining eligibility for the child who is placed with a non-custodial parent. Income and assets of the child only will be considered for determining eligibility for a child who is placed with a relative or friend. Medicaid may be requested on the same application submitted for financial assistance.
      - c. When submitting an application for Medicaid, a non-custodial parent, relative, or friend should request that the application for Medicaid be retroactive back to the date the child was placed in the home; which is allowable for up to 90 days.
    - 2. Private Medical Insurance: A non-custodial parent, relative, or friend may be able to provide for the child's health care needs by adding the child to their own private medical insurance, when allowed by their insurance plan.
    - 3. MI706: An eligibility worker may issue an MI706 to the end of the month following the month a child is ordered into Child and Family Services custody, if the child is not enrolled in Medicaid when removed from the home. After that time and only as a last resort, the caseworker may request an MI706 from the Fostering Healthy Children nurse for specific health care needs of the child and for medical, dental, or mental health

examinations required by Child and Family Services that the non-custodial parent, relative, or friend cannot pay for through other available resources. The non-custodial parent or relative should have applied for Medicaid, including requesting retroactive coverage, before an MI706 is requested or issued by a nurse.

## 502.13 Preliminary Placement Visitation

The kinship caregiver/friend will assist in carrying out plans for visitation for the child.

#### A. <u>Child Visitation with Familial Connections:</u>

- 1. Pre-placement Visits with Potential Kinship Caregivers/Friends: If the child is not immediately placed in a Preliminary Placement, visitation between the potential kinship caregiver/friend and child will be part of a planned transition when it is determined that placement with the kinship caregiver/friend is in the best interest of the child. Visitation between the potential kinship caregiver/friend and the child may be limited and/or supervised until all requirements for Preliminary Placement are met.
- Visitation with Siblings, Parents, and Other Relatives: Visitation for the child with parents and siblings will be allowed in accordance with Practice Guidelines Section 303.1 when a child is in a Preliminary Placement. Visitation between the child and extended relatives is allowable and may assist in helping the child maintain valuable connections with the child's family. The Child and Family Team will make a determination whether visitation between the child and the extended relative is in the best interest of the child before visitation occurs. Visitation between the child and extended relative will be individualized to meet the needs of the child.

#### B. <u>Caseworker Visitation with a Child, Kinship Caregiver, and Parents During a</u> Preliminary Placement:

- I. The caseworker will have an initial visit with the child by midnight of the second day after making the Preliminary Placement. If the kinship caregiver resides in another region, the caseworker may request the caseworker who conducted the limited home inspection to make this visit for them.
- 2. For the first four weeks of a Preliminary Placement, the caseworker will visit with the child at least once per week in the home of the kinship caregiver/friend.
- 3. The caseworker will follow Practice Guidelines <u>Section 302.2</u> regarding purposeful visiting with a child, out-of-home caregiver, and parents when a child is placed in a Preliminary Placement.

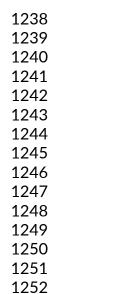
# 502.14 Preliminary Placement - Child And Family Team

#### A. Role of the Child and Family Team:

- 1. All kinship work is done in the context of a Child and Family Team. The team is identified to bring together critical supports for the family. This may include the biological parents, kinship caregivers/friend, children 12 years of age or older, stepparents, other significant persons to family, and the tribe/ICWA caseworker. The caseworker will engage the kinship caregiver/friend to participate in the Child and Family Team.
- 2. If the child has Native American heritage and is eligible as a registered tribal member, Child and Family Services will establish contact with the tribe/ICWA caseworker as early as possible to ensure the tribe is invited to participate in Child and Family Team Meetings.
- 3. The caseworker will prepare for the unique circumstances of each family prior to a Child and Family Team Meeting. For example, if there are domestic violence issues, the caseworker will consider separate Child and Family Team Meetings for safety and confidentiality issues, and will prepare in advance to deal with barriers, attitudes, relationship issues, safety issues, and legal concerns.
- 4. If background screening for a potential kinship caregiver/friend has been denied, the caseworker will discuss with the potential kinship caregiver/friend prior to the Child and Family Team Meeting, other ways they may support the child and their recommendations for another kinship caregiver/friend for Preliminary Placement. The caseworker will not discuss any specific criminal history or child abuse findings with the potential kinship caregiver/friend or the Child and Family Team but may provide information about how a kinship caregiver/friend may obtain a copy of their own criminal history or child abuse and neglect findings.

## B. <u>Primary Purposes of Initial Child and Family Team Meeting:</u>

- As soon as possible, the caseworker will conduct an initial Child and Family Team Meeting. The initial Child and Family Team Meeting is used for the following:
  - a. Sharing how Child and Family Teams work to support the goals of the family.
  - b. Explaining requirements for a Preliminary Placement.
  - c. Explaining the court process/status.
  - d. Explaining roles/responsibilities and how to work with Child and Family Services.
  - e. Explaining requirements of caring for the child, such as expectations for medical, dental, and mental health care examinations.



- f. Explaining the process for evaluation of ongoing capacity of the kinship caregiver/friend to care for the child and/or identifying the most appropriate relatives or friends to be considered for ongoing placement for the child.
- g. Exploring and developing strategies for other members of the Child and Family Team to support the kinship caregiver/friend in caring for the child and meeting agency requirements.
- 2. The Child and Family Team will decide the best ongoing placement for the child and identify ways members of the team can support the placement, taking into consideration the best interests of the child, preferences for placement, and factors that may delay placement or hinder permanency for the child.
- 3. For Preliminary Placements made with a friend, the Child and Family Team Meeting process outlined in Practice Guidelines <u>Section 502.8</u> must be followed.

#### Kinship Services - Evaluation And Support For Ongoing Care Of 503 1254 A Child 1255

#### Major objectives:

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- Child and Family Services will evaluate with a kinship caregiver/friend their A. capacity for ongoing care of the child.
- B. The region in which a kinship caregiver/friend resides will provide support in accessing local resources and in responding to urgent concerns.
- C. The region with jurisdiction of a child is responsible for supporting limited financial needs of the child that cannot be met by the kinship caregiver/friend.

#### **Applicable Law**

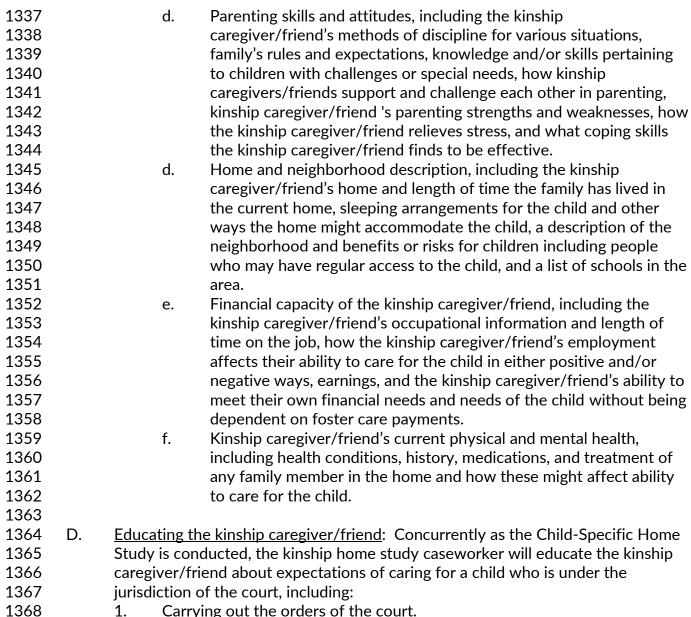
- 1268 Utah Code Ann. §62A-2-120. Criminal background checks – Direct access to children or 1269 vulnerable adults.
- 1270 Utah Code Ann. §62A-4a-202.1. Entering home of a child – Taking a child into protective
- 1271 custody - Caseworker accompanied by peace officer - Preventive services - Shelter
- 1272 facility or emergency placement.
- 1273 Utah Code Ann. §62A-4a-209. Emergency placement.
- Utah Code Ann. §62A-4a Part 7. Interstate Compact on the Placement of Children. 1274
- 1275 Utah Code Ann. §78A-6-306. Shelter hearing.
- 1276 Utah Code Ann. §78A-6-307. Shelter hearing – Placement – DCFS custody.
- 1277 Utah Code Ann. §78A-6-307.5. Post-shelter hearing placement of a child who is in
- 1278 division custody.
- 1279 Utah Code Ann. §78A-6-308. Criminal background checks necessary prior to out-of-
- 1280 home placement.
- U.S. Code Title 25, Chapter 21. Indian Child Welfare. 1281

#### **Evaluation Of Kinship Caregiver/Friend Capacity For Ongoing** 1283 503.1 1284 Care Of A Child

1286 Child and Family Services will evaluate with the kinship caregiver/friend their capacity 1287 for ongoing care of the child, including consideration of long-term stability of placement, 1288 long-term view and permanency planning. The caseworker will initiate this evaluation 1289 process within 30 days of the child being placed in a Preliminary Placement with a 1290 relative. The process will be initiated immediately when a child is placed in a Preliminary

- 1291 Placement with a friend. The process is initiated by submitting a request to the regional
- 1292 kinship home study caseworker. The kinship home study caseworker in the region
- where the kinship caregiver resides will complete the evaluation. This evaluation 1293
- 1294 consists of the following:

- Background screening: Background screening results from background screening A. for Preliminary Placement and from the Office of Licensing review must be approved for ongoing care of a child in custody. If background screening is not approved, the caseworker and Child and Family Team will carefully consider how the child's needs for enduring safety and permanency will be met (long-term view) and what the permanency goals, both primary and concurrent, for the child are before recommending that the court grant custody and guardianship to a kinship caregiver/friend.
- B. Reference checks: Child and Family Services will contact at least two references by phone and document the calls as part of the Child-Specific Home Study. The same type of information specified for reference checks for Preliminary Placement will be discussed (see Practice Guidelines Section 502.6).
- Child-Specific Home Study: Through conversations with the kinship caregiver/friend and others living in the home, the kinship home study caseworker will evaluate the kinship caregiver/friend's ability to provide current and ongoing care for the child.
  - 1. The Child-Specific Home Study will be comprehensive, objective, and will address the kinship caregiver/friend's long-term ability to care for the child. It may be used as a home study for a foster care license, as a report to the court for recommendations for custody and guardianship, and as an adoption home study if the child's permanency goal changes to adoption.
  - 2. The Child-Specific Home Study will include an assessment of the home environment and the Office of Licensing health and safety requirements.
  - 3. The kinship home study caseworker will document the evaluation on the Child-Specific Home Study form (SAFE KBS10), which when completed will be a typed, professional document of approximately 6-12 pages. The document may be presented to the court, if requested. The Child-Specific Home Study is a protected record.
  - 4. Areas assessed in the Child-Specific Home Study include:
    - a. The kinship caregiver/friend's motivation and expectations in providing ongoing care for the specific child.
    - b. Information about the kinship caregiver/friend's childhood and family of origin, including strengths, challenges, and trauma history.
    - c. Current kinship family/friend's information, including marital relationship, family interactions, and relationship between the kinship caregiver/friend's family and child, supports and barriers, financial impact, proximity, and the nature and quality of the relationship between the biological parents and the kinship caregivers/friend.



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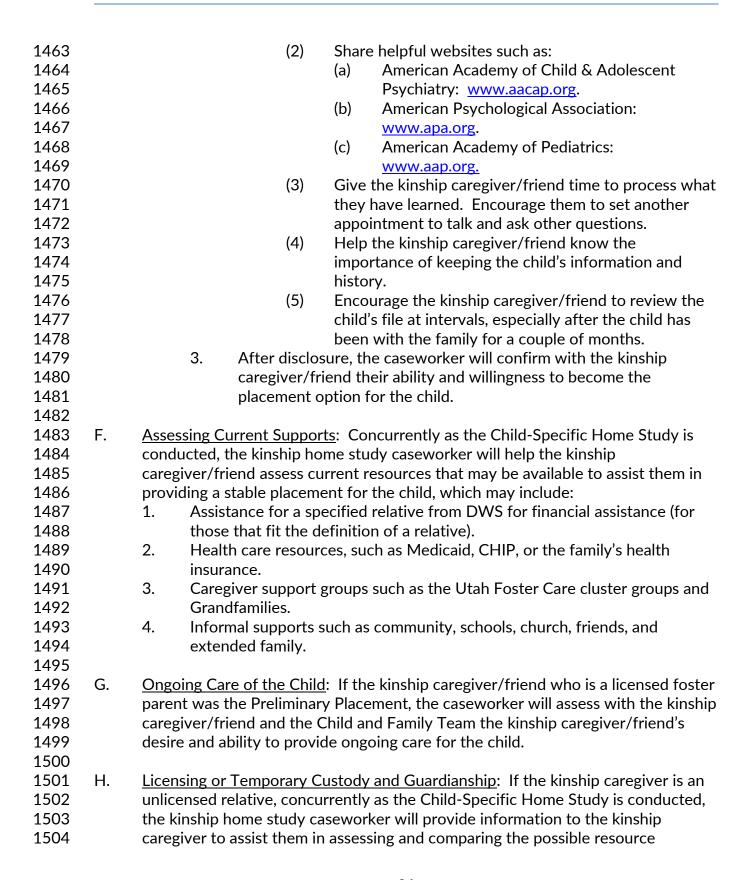
- 2. Working toward the child's permanency goal.
- 3. Meeting the needs of the child while in their care.
- 4. Being involved in the Child and Family Team process.
- 5. Complying with Child and Family Services requirements, such as visits with caseworkers, the child's visits with parents and siblings, maintaining the home-to-home book, role of the GAL, health care visits, and education.
- 1376 E. Information about the child will be given to the kinship caregiver/friend: The 1377 caseworker and other team members will discuss with the kinship 1378 caregiver/friend information the caseworker knows about the child and is

relevant to the child's care, including medical, dental, education, mental health, and any behavioral issues or special needs the child may have. Best practice is allowing the kinship caregiver/friend an opportunity to review the child's file before making any long-term decisions to care for the child. If the kinship caregiver/friend is a licensed foster parent, refer to Practice Guidelines <a href="Section 301.4">Section 301.4</a> for details about the information that may be shared with the kinship caregiver/friend.

- 1. The file may have limited information. However, it is important to share any relevant information that may help the relatives decide if they have the skills and supports to raise the child. When a child has an existing file, the caseworker will inform the relatives that the information in the file is often subjective opinions of the caseworker or therapist written at one time in the child's life. In addition, circumstances that occur in a given time in the child's development can change the way a child behaves and adjusts to life situations. For instance, the child may have received many different mental health diagnoses. The mental health diagnoses in a child's file are affected by each therapist's interpretation, the child's developmental stage, factors in the child's environment, and different life circumstances.
- 2. The following guidelines will be used when the potential kinship caregiver/friend views the child's file.
  - a. Appropriate information about the child will be shared; however, neither the biological parents' nor prior foster parents' medical, psychiatric, psychological, or other personal information will be disclosed to the relative.
  - b. Child and Family Services must use prudent judgment in helping a kinship caregiver/friend have information about the child that may be important for the permanency and stability of the child's placement. Parents' confidential information that may be important to caring for a child could be shared in general non-identifying ways. For example, if a parent's psychological diagnosis indicates schizophrenia, this specific information about the parent cannot be disclosed to the relatives. However, information regarding schizophrenia in general can be discussed.
  - c. Child and Family Services file review guidelines:
    - (1) The confidentiality agreement (SAFE form DCFS02) must be signed. Special care will be given to addressing the sensitive nature of confidential information about a child's family member.
    - (2) The caseworker will orient the kinship caregiver/friend to the structure of the files and where information is located.
    - (3) The caseworker will instruct the kinship caregiver/friend to consider specific types of information when available, such as

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- medical conditions, developmental delays, disabilities, mental health diagnoses, placements and transfers, educational needs, and other considerations for the child.
- (4) If a child has an existing file, the kinship caregiver/friend will want to look for specific information in the file that will be important in caring for the child. (*Red italic script* identifies information the caseworker will copy for the kinship caregiver/friend review.)
  - (a) Medical Information: Immunizations, all allergies including food allergies, disabilities and treatments, current medications and implications of discontinuing medications, history of illnesses, conditions from abuse or neglect, serious accidents, surgeries, past doctors, and hospital of birth.
  - (b) Dental Information: Dental records, *past dentists*, orthodontic work, and *orthodontist*.
  - (c) Educational Information: Schools and grades, evaluations, special education plans such as Individual Education Plans (IEPs) or Student Education and Occupational Plans (SEOPs), learning disability including specific disability, and test results.
  - (d) Mental Health Information: Current and prior therapists and history of treatment, current and past medications, current and past diagnoses, including what the diagnoses means in raising a child. The kinship caregiver/friend will be encouraged to talk directly with the child's mental health therapist when possible about how behaviors are connected with the diagnoses and how behaviors are best dealt with.
  - (e) Family History: Health Data Report from SAFE, culture, family situation, moves or stability factors, abuse and neglect history, domestic violence, reason for the child's removal from their biological family, genogram including the siblings (with their birth dates), and timelines. Family members' talents, hobbies, and interests. Family photos and letters, if available.
- d. After the kinship caregiver/friend has looked through the file, the caseworker will:
  - (1) Talk with the kinship caregiver/friend about what they found in the file. Give them health and mental health diagnoses summary sheets, and answer questions they may have.



supports and responsibilities associated with the options of becoming a licensed foster parent or requesting temporary custody and guardianship for ongoing care of the child. If the kinship caregiver is a non-custodial parent, the discussion will be limited to consideration for requesting temporary custody and guardianship. If the caregiver is an unlicensed friend identified by the parent, they are required to become licensed within six months or sooner of the child being placed with them, and they do not have the option of taking temporary custody and guardianship of the child.

- 1. Discuss with the kinship caregiver/friend the advantages and responsibilities of becoming a licensed foster care placement for the child.
  - a. Resources and advantages include:
    - (1) Monthly foster care payment.
    - (2) Medicaid maintained by Child and Family Services to cover medical, dental, and mental health needs.
    - (3) Child and Family Services Resource Family Consultant help.
    - (4) Educational opportunities for meeting the needs of the child.
    - (5) Cluster support groups.
    - (6) Family's own informal support network, such as community, schools, church, and extended family.
    - (7) Respite care
    - (8) If the child's permanency goal changes to adoption, the AAG will facilitate a process for termination of parental rights and the child will be assessed for monthly adoption assistance.
  - b. Requirements to become a licensed foster parent include:
    - (1) Both kinship caregivers/friends will complete the requiredtraining provided for kinship caregivers/friends through the current contractor for training, recruitment, and retention services.
    - (2) All licensing requirements must be met including submission of an application, financial and medical documentation, obtaining written references, and safety home inspection.
- 2. Discussing with the kinship caregiver the advantages and responsibilities of becoming a kinship caregiver and the process to request temporary custody and guardianship of the child from the court. (Unlicensed friends identified by the parents as caregivers for the child are not eligible for temporary custody and guardianship and are required to become licensed foster parents.) Resources may include:
  - a. Financial assistance for a specified relative (or from public assistance for a non-custodial parent) from DWS or child support from ORS.
  - b. Medicaid or CHIP for the child or a private health insurance plan of the kinship caregiver to cover the child's medical, dental, and mental health needs.

- 1547 c. Support groups through the private provider, Grandfamilies, and/or other sources.

  1549 d. Family's own informal support network, such as community,
  - Family's own informal support network, such as community, schools, church, friends, and extended family.
  - I. <u>Initiating the Process to Become a Licensed Foster Parent</u>: In order for the kinship caregiver/friend to apply to become a licensed child-specific foster parent, the caseworker or region kinship consultant will gather the following documents and submit to the regional licensor from the Office of Licensing:
    - 1. Foster Parent/Resource Family Application.
    - Child-Specific Home Study, including Office of Licensing Safety Check and documentation of two positive references, completed by the kinship home study caseworker.
    - 3. Kinship Background Screening Application (KBS01) approved by the Office of Licensing.

The Office of Licensing will issue a probationary license when all of the necessary documentation is received from Child and Family Services and will work with the family to complete the licensing process. The caseworker will encourage the family to complete licensing requirements, including training, before the probationary license expires.

## 503.2 Child And Family Services Support Of The Kinship Caregiver/Friend While The Child Is In Child And Family Services Custody

- A. The region in which the kinship caregiver/friend resides will support the kinship caregiver/friend in responding to urgent concerns or accessing local resources (such as Medicaid and Specified Relative Grant through DWS, establishing a local Child and Family Team or Utah Foster Care clusters).
- B. If the kinship caregiver/friend lives in a different region than the region with jurisdiction over the child, a courtesy caseworker will be requested through the associate region director to assist with kinship caregiver/friend support.
- The region that has jurisdiction for the child is responsible for supporting limited financial needs of the child that cannot be met by the kinship caregiver/friend (such as special needs payments or MI706).

### 504 Kinship Background Screening Process

#### Major objectives:

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- A. Child and Family Services is authorized to conduct background screening for the purpose of assessing safety and threat of harm to a child when considering Preliminary Placement with a kinship caregiver for a child in agency custody.
- B. Child and Family Services will coordinate with the Office of Licensing to complete the background screening process for a kinship caregiver after Preliminary Placement has been made.
- C. A region Terminal Agency Coordinator (TAC) will complete background screening and will do an initial analysis of results.
- D. A region background screening committee will be established in each region to review background screening for Preliminary Placement.
- E. Background screening results will be safeguarded and disseminated only to those authorized to receive the information, in accordance with the Bureau of Criminal Identification (BCI) policies.

#### **Applicable Law**

- 1607 Utah Code Ann. <u>§62A-2-120</u>. Criminal background checks Direct access to children or vulnerable adults.
- 1609 Utah Code Ann. §62A-4a-202.1. Entering home of a child Taking a child into protective
- 1610 custody Caseworker accompanied by peace officer Preventive services Shelter
- 1611 facility or emergency placement.
- 1612 Utah Code Ann. §62A-4a-209. Emergency placement.
- 1613 Utah Code Ann. §62A-4a Part 7. Interstate Compact on the Placement of Children.
- 1614 Utah Code Ann. §78A-6-306. Shelter hearing.
- 1615 Utah Code Ann. §78A-6-307. Shelter hearing Placement DCFS custody.
- 1616 Utah Code Ann. §78A-6-307.5. Post-shelter hearing placement of a child who is in
- 1617 division custody.
- 1618 Utah Code Ann. §78A-6-308. Criminal background checks necessary prior to out-of-
- 1619 home placement.
- 1620 U.S. Code <u>Title 25, Chapter 21</u>. Indian Child Welfare.1621

### 1622 504.1 Kinship Background Screening Process – Authority And Uses 1623

### 1624 A. <u>Authority</u>:

1. The BCI within the Department of Public Safety maintains criminal records in Utah. Child and Family Services accesses both Utah and national

- fingerprint-based criminal records through BCI in accordance with federal and state laws and BCI policies.

  Utah Code Ann. §62A-4a-202.4, §62A-4a-209, §78A-6-307, and §78A-6-
  - 2. Utah Code Ann. §62A-4a-202.4, §62A-4a-209, §78A-6-307, and §78A-6-308 authorize Child and Family Services to complete background screening for potential kinship caregiver/friends of children in custody.
  - 3. The Office of Licensing will complete the background screening process for kinship caregiver/friends after Child and Family Services has conducted the non-fingerprint-based check for Preliminary Placement.

#### B. <u>Uses of Background Screening Results in Kinship Care:</u>

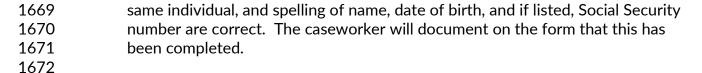
- 1. Background screening conducted by the TAC/alternate or reviewed by the Region Background Screening Committee is used to help assess safety and threat of harm to a child for the purpose of approving or denying a Preliminary Placement.
- 2. Background screening conducted by Office of Licensing is used to help confirm the appropriateness of a Preliminary Placement and as part of the Child-Specific Home Study and safety assessment for evaluation of a kinship caregiver/friend's capacity for ongoing care of the child. Office of Licensing background screening results may also be used for the purpose of a foster care license, subsequent adoption (if within 18 months of when the background screening was originally approved and there is no reason to believe the background screening is incomplete), or for a recommendation to the court for temporary custody and guardianship.

## 504.2 Kinship Background Screening Process – Expedited Request For Initial Background Screening For Preliminary Placement

A caseworker may request to expedite the initial background screening for Preliminary Placement verbally. Steps to expedite background screening include:

- A. The caseworker will obtain and write down the following information for the kinship caregiver/friend and for all adults age 18 years and older residing in the home on the Expedited Background Screening for Preliminary Placement form (SAFE KBS00):
  - 1. Name, including correct spelling of first, middle, last, maiden, alias, and previous married names.
  - 2. Social Security number, if a number has been issued.
  - 3. Date of birth.
  - 4. Relationship to the child.

The caseworker will view the photo identification of the kinship caregiver/friend and other adults age 18 years and older in the home to ensure the photo is of the



- 1673 C. The caseworker will have the kinship caregiver/friend and each adult review and sign the form to verify that the information is correct and that Child and Family Services is authorized to conduct background screening for the purpose of Preliminary Placement.
- 1678 D. The caseworker will request initial background screening for Preliminary Placement through an authorized TAC or designated alternate.
  - 1. For on-call background screenings for Preliminary Placements, contact Intake. [Regions may arrange for on-call availability for afterhours background screening by a TAC/alternate for Preliminary Placements, including cross-region availability.]
  - 2. If a request is made after hours to <a href="Intake[a TAC/alternate in another region">Intake[a TAC/alternate in another region</a>], background screening documentation will be sent the next business day by the <a href="Caseworker who requested the background screening">Caseworker who requested the background screening</a>[TAC/alternate who completed the screening] to the TAC/alternate in the region where the kinship caregiver/friend resides. The <a href="Seending">[seending</a>]
    TAC/alternate <a href="in the sending region">in the sending region</a> may retain a copy of the documentation in a locked file for audit purposes.
  - 3. The <a href="Intake worker who completed the background screening[sending TAC/alternate">Intake worker who completed the background screening[sending will document in a dissemination log that the background screening was completed.[information was sent to an authorized TAC/alternate.]</a>
- 1696 E. The caseworker will provide the identifying information to the TAC/alternate by phone, fax, or in person.
  - I. The caseworker will give the TAC/alternate the name of the child being considered for placement and, if known, the child's date of birth, SAFE case number if a case is open, and if an out of region request, the caseworker's region and kinship caregiver/friend's region of residence.
  - 2. The caseworker will give the TAC/alternate the information provided by the kinship caregiver/friend for all adults in the home, including the correct spelling for all names, and will verify to the TAC/alternate that each of the adults in the home signed the Expedited Background Screening for Preliminary Placement form.
  - 3. As follow-up to a verbal or faxed request, the caseworker will send the TAC the original Expedited Background Screening for Preliminary Placement form signed by the kinship caregiver/friend and adults in the home and by the caseworker.

The caseworker will notify the kinship caregiver/friend that this expedited background screening is preliminary and that the kinship caregiver/friend and other adults age 18 years and older in the home must also complete additional background screening requirements to complete the process (see Practice Guidelines Section 504.3).

G. The TAC/alternate may notify the caseworker verbally if the background screening was approved, needs further review, is denied, or could not be completed based upon the verbal information presented. Specific details may be provided according to dissemination policies in practice guideline <a href="Section 504.11">Section 504.11</a>.

H. If the result of the background screening is a mandatory denial then the TAC/alternate will send a denial letter to the applicant.

## 504.3 Kinship Background Screening Process - Initiating Background Screening

The following steps are required before kinship caregiver/friend background screening is complete. If expedited background screening was used, these steps are required as follow-up to the expedited process. If expedited background screening was not used, these steps will initiate background screening.

#### A. Caseworker Responsibilities:

1. The caseworker is responsible to ensure that required background screening is completed for all adults in the home. Another caseworker, such as a supervisor, region kinship consultant, or senior assistant caseworker, may assist with the tasks described below.

 2. The caseworker will notify the kinship caregiver/friend of background screening requirements and processes.

3. The caseworker will print the Kinship Background Screening Application (SAFE KBS01) from SAFE and will write on Page Two of the application the caseworker name and child's name, date of birth, and SAFE case number.

 4. The caseworker will make copies of the application for the kinship caregiver/friend and all persons age 18 and older living in the home and will provide them written instructions for completing the background screening process, including how to access Live Scan or to submit hard copy fingerprint cards.

5. The caseworker will follow up to ensure the application and fingerprints were submitted.

### 1752 B. <u>Kinship caregiver/friend Responsibilities</u>:

- 1. The kinship caregiver/friend and each adult age 18 years or older residing in the home must obtain the Kinship Background Screening Application (SAFE KBS01) from the caseworker, complete the application following instructions on the form, submit copies of photo identification and Social Security cards, and bring it to the Child and Family Services office.
- 2. The kinship caregiver/friend and spouse must submit fingerprints for an FBI national criminal records check any other person age 18 years and older residing in the home of the kinship caregiver/friend. home who has lived out of state in the previous five years must also submit fingerprints for a national criminal records check.
  - a. Fingerprints may be submitted using Live Scan at Child and Family Services offices, following the procedures described below. The kinship caregiver/friend or adults in the home are responsible to pay the fee for scanning the prints.
  - b. Fingerprints may be submitted using hard copy fingerprint cards, following the procedures described below. The kinship caregiver/friend or adults in the home are responsible to pay the fee for having the prints rolled by a law enforcement agency or BCI and to pay the fee to the Department of Public Safety to submit the hard copy cards to the FBI.
  - c. Live Scan or submission of fingerprint cards must be completed no later than 10 business days after the child's placement in the home.
- [3. For adults in the home who are not the kinship caregiver/friend or spouse and who have not lived out of state in the previous five years, the background screening application and copies of photo identification and Social Security card should be submitted along with the Kinship Background Screening Applications of those who are required to have a fingerprint-based background check.]

#### C. Live Scan Process:

- 1. Live Scan Operators. Live Scan operators are designated by the region and must receive training on scanning fingerprints and submitting Live Scan data from qualified persons, such as BCI trainers or other qualified Live Scan operators. The region will notify the Background Screening Coordinator at the State Office when making a change in Live Scan operators. Live Scan operators are responsible to verify applicant identity and to electronically scan and submit fingerprints of background screening applicants to the BCI.
- 2. Live Scan Appointment. Persons required to have a fingerprint-based background screening will schedule an appointment for Live Scan by phone

1793		in advance. The Kinship Background Screening Application (SAFE KBS01)
1794	_	must be completed prior to the appointment.
1795	3.	What Individuals Must Bring for Live Scan. Persons required to have a
1796		fingerprint-based background screening will bring the following with them
1797		to their Live Scan appointment:
1798		a. Original Kinship Background Screening Application (SAFE KBS01)
1799		completed and signed.
1800		b. Photo Identification. This must be a current photo identification
1801		issued by a state or federal government such as a driver license or
1802		identification card issued by Department of Motor Vehicles or
1803		issued by the United States government such as a passport. School
1804		identification and driver privilege cards are not acceptable. If no
1805		United States identification is available, current photo identification
1806		issued by the government of another country may be used. If photo
1807		identification has expired, Live Scan cannot be completed.
1808		c. Social Security card, if available at time of appointment.
1809		d. Fee to scan the prints. Each person is required to pay a fee to have
1810		fingerprints scanned. Payments must be by cashier's check or
1811		money order payable to Department of Human Services. Some
1812		offices also accept cash.
1813	4.	Live Scan Process. The Live Scan operator will complete the following
1814		steps for the Live Scan process:
1815		a. Prepare the Live Scan Authorization Form.
1816		b. Hand out a copy of the FBI Privacy Rights to the Live Scan
1817		applicant.
1818		c[b]. Receive payment.
1819		d[e]. Verify and make an enlarged, clear copy of photo identification and
1820		Social Security card. (If expiration date or corrections are listed on
1821		back, copy both sides of identification.)
1822		e[d]. Document Live Scan billing code, Live Scan operator's initials, and
1823		date of Live Scan submission[authorization and region billing code]
1824		on the upper left-hand corner of the Kinship Background Screening
1825		Application.
1826		e. Complete Live Scan data entry using region billing code, scanning,
1827		and transmission of the record.
1828		e[f]. Send the original Kinship Background Screening Application and a
1829		clear copy of both sides of photo identification and Social Security
1830		card to the regional TAC/alternate.
1831		f[g]. Fax a copy of the Live Scan Authorization Form to the Background
1832		Screening Coordinator.
1833		5

#### D. <u>Hard Copy Fingerprint Card Process</u>:

- Obtain Copy of Fingerprint Cards: If any persons who need a fingerprint-based check do not have access to a Child and Family Services Live Scan location, they will obtain from the caseworker two sets of 10-print fingerprint cards that indicate the region's authorization code and identifying information. The caseworker can get these cards from the TAC/alternate.
- 2. Rolling of Fingerprint Cards: Each person is responsible to go to a law enforcement agency or other agency approved by the BCI to have their fingerprints rolled on the 10-print fingerprint cards. Each person is responsible to pay the cost charged by the agency to have the fingerprints rolled. Photo identification will be required.
- 3. Submission of the Fingerprint Cards and Payment for Submission:
  - a. The kinship caregiver/friend will submit to the caseworker the Kinship Background Screening Application (SAFE KBS01), two sets of fingerprint cards, and payment for the FBI background screening for each adult age 18 years and older in the home that is required to have a fingerprint-based check. A separate cashier's check or money order payable to the Department of Public Safety will be submitted for each person for the current required fee. Child and Family Services will copy photo identification and Social Security cards for each person whose fingerprint cards are submitted.
  - b. The caseworker will give the application, fingerprint cards, copies of photo identification and Social Security card, and payments to the TAC/alternate.
  - c. The TAC/alternate will submit the fingerprints and payment to the BCI at the Department of Public Safety.
- 4. Fingerprint cards may be required as a follow-up to Live Scan if the electronic scan cannot capture a high enough quality print or if BCI or the FBI rejects the submitted fingerprints.

### 504.4 Conducting Background Screening - TAC/Alternate

The region director will designate the region's TAC and any alternates. Each TAC/alternate must receive approval and training to conduct background screening through the Background Screening Coordinator at the Child and Family Services State Office and through BCI, and must have an approved fingerprint-based national criminal history check submitted through BCI to the FBI.

The TAC/alternate will conduct background screening for each kinship caregiver/friend and adult age 18 years and older in the home (referred to below as "applicant") to identify if an adult or child abuse or neglect finding or criminal history record exists for

1876 each applicant [for each management information system].

- Verify Identity: The TAC/alternate will make a "good faith" effort to determine A. that the identification and information submitted for each applicant is valid and does not appear to be forged or altered, based upon review of the applicant information on the Kinship Background Screening Application (SAFE KBS01) and photo identification. If background screening for a Preliminary Placement is being conducted based upon an expedited verbal request, the effort to verify identity will be completed based upon information available in data systems and upon post-screening review of the application and photo identification after submission by the caseworker or Live Scan operator.
  - B. Child Abuse and Criminal Record[Management Information Systems] Checks: The TAC/alternate will research the [management information] systems listed below, in accordance with laws and policies authorizing Child and Family Services to access these records, to determine if an applicant has child or adult abuse or neglect findings or a criminal history.
    - 1. Preliminary Placement Background Screening Utah Criminal Justice Information System (UCJIS):
      - a. UCJIS is searched to determine if the applicant has criminal convictions or patterns of arrests or convictions that indicate a likely threat of harm to a child. Analysis will be based upon statutory criteria specified in Utah Code Ann. §62A-2-120.
      - b. UCJIS reports are run with a purpose code X and the child's SAFE case number entered into the audit field. If no SAFE case number has been established, enter 111 (number one repeated three times) and the child's name in the audit field.
    - 2. Preliminary Placement Background Screening SAFE Management Information System and Licensing Information System: The SAFE Management Information System and Licensing Information System is searched for the following:
      - a. To determine if the applicant has findings of a severe type of child abuse or neglect as defined in Utah Code Ann. §62A-4a-1002 accessible in the LIS portion of SAFE, or if other child welfare or domestic violence case history or patterns of behavior may pose a threat of harm to a child.
      - b. To determine if the applicant has findings of adult abuse.
    - 3. Completing Background Screening Fingerprint-Based Check:
      - a. Fingerprint-based FBI national criminal history records are checked to determine if the applicant has criminal convictions or patterns of convictions that indicate a likely threat of harm to a child. Analysis

- 1917 will be based upon statutory criteria specified in Utah Code Ann. 1918 §62A-2-120. 1919 b. Live Scan results of multi-state and FBI national criminal history 1920 records are accessed through BCI/Applicant Background Checks 1921 (ABC) Webpage[UCJIS], which may include obtaining hard copy 1922 reports. 1923 (1) If the Live Scan results are "approved," no history exists. 1924 If the Live Scan results indicate "research," the TAC/alternate (2)1925 must wait for either a result of "approved, pending, or needs 1926 agency review" [or "information forthcoming"] to determine if 1927 a criminal history exists. If Live Scan results indicate "pending or needs agency 1928 (3)review[information forthcoming]," a criminal history may 1929 exist and a hard copy report must be obtained by printing the 1930 1931 report from the BCI/ABC Webpage to determine if background screening is approved or denied. 1932 1933 If fingerprints were submitted on 10-print fingerprint cards, results c. 1934 will be accessed through the BCI/ABC Webpage [identified based on a report mailed to the TAC/alternate by BCI]. 1935 1936 4. Completing Background Screening - Interstate Child Abuse Registry 1937 Checks: Out of State[Interstate] Child Abuse Registry checks will be 1938 a. 1939 conducted for each state in which an applicant resided in the 1940 previous five years to determine if the applicant has findings of a 1941 severe type of child abuse or neglect that are consistent with those defined in Utah Code Ann. §62A-4a-1002 or if other child welfare 1942 1943 case history or patterns of behavior may pose a threat of harm to a 1944 child. 1945 The TAC/alternate will complete and submit the paperwork and any b. 1946 payments required for the specific state, and if necessary work with the applicant to obtain state-specific paperwork from them. 1947 1948 504.5 **Conducting Background Screening - Office Of Licensing** 1949 1950
  - A. As the authority to conduct background screening for prospective foster and adoptive homes, the Office of Licensing will conduct background screening for kinship caregiver/friends and other adults age 18 years and older in the home after Child and Family Services has completed background screening for

Preliminary Placement.

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B. The regional TAC will compile the background screening application, reports, documentation submitted by the applicant for [regional] review, verify or

1959 <u>attach[clear]</u> copies of photo identification and Social Security cards for each kinship caregiver/friend and other adults age 18 and older in the home, and will submit these to the <u>Child and Family Services[Office of Licensing]</u> background screening coordinator.

- C. The Child and Family Services Background Screening Coordinator will check the paperwork submitted, log information received, and submit it to the Office of Licensing background screening coordinator.
- D[€]. The Office of Licensing <u>background screening</u> coordinator will return the approved or denied background screening application to the Child and Family Services Background Screening Coordinator, and the coordinator will return the approved or denied background screening application to the regional TAC.
- <u>E[→]</u>. The regional TAC will disseminate information from the Office of Licensing Screening according to Practice Guidelines <u>Section 504.11</u>.

### 504.6 Analysis Of Background Screening Results

The TAC/alternate will complete an initial analysis of the background screening results to determine:

- A. No Criminal History or Child/Adult Abuse or Neglect Findings: If the TAC/alternate finds NO history from any of the management information systems or hard copy reports, the TAC/alternate will approve the background screening.
- B. Criminal History or Abuse or Neglect Findings That Require Mandatory Denial:
  - 1. If the TAC/alternate identifies criminal records that require mandatory denial based upon Utah Code Ann. §62A-2-120, the TAC/alternate may deny background screening or may staff the report with a member of the Region Background Screening Committee, Background Screening Coordinator, or Kinship Program Administrator to verify accuracy of the decision before denying the background screening.
  - 2. A child will not be placed in a Preliminary Placement if criminal history requires mandatory denial. If there is any question about mandatory denial for a Preliminary Placement, the TAC/alternate will refer the background screening to the Region Background Screening Committee for review and for a decision to approve or deny background screening for Preliminary Placement.
  - 3. If the result of the background screening is a mandatory denial, the TAC/alternate will send a denial letter to the applicant.

## 2001 C. <u>Criminal History or Abuse or Neglect Findings That May Be Approved Without</u> 2002 <u>Review</u>:

- 1. If the TAC/alternate identifies child abuse or criminal records that do not require mandatory denial or that do not fall within the crime or abuse categories or time periods that are subject to review, based upon Utah Code Ann. §62A-2-120, or severe types of child abuse or neglect records based upon Utah Code Ann. §62A-4a-1002, the TAC/alternate may approve the background screening or may staff the results with a member of the Region Background Screening Committee, Background Screening Coordinator, or Kinship Program Administrator before approving the background screening.
- 2. If there is any question about being able to approve the background screening without review, the TAC/alternate will refer the background screening to the Region Background Screening Committee for review and for a decision to approve or deny background screening for Preliminary Placement.
- D. <u>Criminal History or Abuse or Neglect Findings Requiring Further Review Before Approval or Denial of Background Screening Can Be Determined:</u> If the TAC/alternate identifies child or adult abuse or criminal records that do not require mandatory denial but fall within the crime or abuse categories or time periods that are subject to review based upon Utah Code Ann. §62A-2-120, or severe types of child abuse or neglect records based upon Utah Code Ann. §62A-4a-1002, the TAC/alternate will refer the background screening to the Region Background Screening Committee for review and for a decision to approve or deny the background screening for Preliminary Placement.

### 504.7 Documentation Of Results

#### A. Documentation of Results on Expedited Kinship Background Screening Form:

- 1. The TAC/alternate will document on the Expedited Kinship Background Screening form for each management information system or hard copy report either "yes" or "no" for existence of child abuse or neglect findings or a criminal history, regardless of whether or not the history affects approval of the placement. Each entry will be initialed and dated by the TAC/alternate.
- 2. In addition, the TAC/alternate will document on the Expedited Kinship Background Screening form the results of the initial analysis, indicating approved for no history, approved for records not subject to review, mandatory denial, or records requiring review. This entry will be initialed and dated by the TAC/alternate. No specific details of findings or history will be written on the application.

- В Region Background Screening Committee: A decision by the Region Background Screening Committee to approve or deny a background screening application will be documented by the TAC on the Expedited Kinship Background Screening form with notes of the committee discussion attached to the original application. No specific details of findings or history will be written on the Kinship Background Screening form or committee report. C. Supporting Documentation:
  - 1. [Supporting hard copy documentation will be printed from each management information system for each child or adult abuse or neglect finding or criminal history record.] Supporting documentation will be attached to the original Kinship Background Screening Application (KBS01) and submitted to the Office of Licensing for their background screening. Supporting documentation will include Livescan reports and may include out of state child abuse registry checks, original/certified court dockets, police reports, etc. The TAC/alternate will store a copy of the application and reports in a locked file. Records will be retained for five years.
  - 2. If fingerprints were submitted through Live Scan, the TAC/alternate will print Live Scan results with the applicant's identifying information from the BCI/ABC webpage [onto region letterhead] and attach to the application. This will verify the following results:
    - a. Approved.
    - b. Pending/Needs Agency Review[Information Forthcoming]
      Pending/Needs Agency Review[Information Forthcoming] indicates this person may have[has] a criminal history. The hard copy report from Live Scan when Pending/Needs Agency Review[Information Forthcoming] is reported will be printed by the TAC/alternate from the ABC webpage.[sent by mail from BCI to the TAC/alternate.]
      The original hard copy report must be included as supporting documentation for the background screening, even if the report indicates there is no criminal history.
  - 3. Ten-print fingerprint card results scanned in through the Livescan machine will be accessible through the BCI/ABC Webpage. Repeat process 2 from above.[will be sent by mail from BCI to the TAC/alternate.] The original hard copy report from the 10-print fingerprint check must be included as supporting documentation, even if the report indicates there is no criminal history.

### 2082 <mark>504.8 Follow-Up Action For No Disposition, Outstanding Warrant, Or</mark> 2083 <mark>Review</mark>

- A. If the criminal history record reports no disposition, an outstanding warrant, or if the background screening report is subject to review by the Region Background Screening Committee, Child and Family Services will give the individual an opportunity to provide additional documentation before making a decision to deny the background screening.
  - B. A fingerprint-based check will have been completed to verify that the record being considered belongs to the applicant.
  - C. The TAC/alternate will send a notice to inform the applicant that:
    - 1. The applicant's criminal history or findings of abuse or neglect require further review.
    - 2. The applicant is encouraged to submit a written statement about the applicant's age and circumstances under which the offense or incident occurred and to document rehabilitation, counseling, or psychiatric treatment received, additional academic or vocational schooling completed since the offense, or other information that the applicant believes is important for the review.
    - 3. The applicant will <a href="mailto:obtain[be notified that">obtain[be notified that</a>] court documentation <a href="mailto:show final disposition">[should be obtained]</a> to show final disposition of any reports for which disposition was not available and documentation that outstanding warrants have been resolved.
    - 4. All additional information requested from[sent by] the applicant must[should] be received by Child and Family Services within 30 calendar days of the written notice.
    - 5. The review being conducted by the regional committee is for the purpose of Preliminary Placement only, and another background screening review may be required by the Office of Licensing as part of evaluation of their ongoing capacity to care for the child required by state law.
    - When requested by a caseworker, the regional committee may review the background screening results for babysitting, visitation, or daycare purposes.

# 504.9 Review Of History By The Region Background Screening Committee For Preliminary Placement

 When an applicant has a history or findings of abuse or neglect or criminal convictions that require review before a decision can be made for Preliminary

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- Placement, the Region Background Screening Committee will conduct the review.
  The caseworker and/or supervisor may attend the committee meeting to provide pertinent information from their assessment of safety but may not be voting members of the background screening committee to approve or deny the background screening.
- 2129 B. The region will designate specific members to form a Region Background
  2130 Screening Committee, consisting of designated professional staff and alternates
  2131 who have been trained in specific rules, statutes, Practice Guidelines, and
  2132 committee protocol. Eight members are recommended. Members of the
  2133 committee may include the region director, associate region director, program or
  2134 consultants, or clinical consultants.
- 2137 C. Each member of the Region Background Screening Committee will receive
   2138 training on the role of committee members, scope of responsibility for Region
   2139 Background Screening Committees, and background screening criteria.
- D. At least three members must meet in order to approve or deny an applicant's background screening, with at least one member being an administrator above a supervisor level. A decision may be based on a simple majority of the voting members. The committee may meet by telephone, if necessary.
- 2146 E. When the applicant lives in a different region than the region with jurisdiction over the child, the Region Background Screening Committee where the applicant resides will conduct the review. A member(s) of the Region Background
   2149 Screening Committee from the region with jurisdiction over the child may meet by telephone, if necessary.
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- F. In the event the Region Background Screening Committee has a conflict of interest in reviewing an applicant's history, the background screening review may be referred to another region's Background Screening Review Committee.
- 2156 The TAC/alternate will provide available information to the Region Background G. 2157 Screening Committee including summaries of background screening reports and 2158 any information provided by the applicant. Information will not be sent electronically. Criminal history reports (rap sheets) will not be distributed to 2159 committee members. The TAC/alternate will maintain a dissemination record to 2160 2161 track the names of the persons receiving the information (including the 2162 caseworker/supervisor if they participate in the screening) and will ensure that all 2163 copies of criminal history summaries have been returned to the TAC at the 2164 conclusion of the review.



2166 H. The Region Background Screening Committee will act on a background screening application as soon as possible, but no later than 10 business days of receipt of applicant information requested for the review, or within 10 days following the time frame allowed for the applicant to submit their explanatory information.

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The Region Background Screening Committee may request additional information from the applicant and may defer action on an application until the applicant submits this information.

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J. The Region Background Screening Committee will not deny a background
 screening application without the region giving the applicant an opportunity to
 provide information regarding the history or findings that are being considered.

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The Region Background Screening Committee may approve a report without additional information from the applicant if the report of history or findings contains sufficient information to make a decision about likely threat of harm to a child.

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2184 L. The Region Background Screening Committee may deny a background screening application in the event that an applicant fails to provide requested information within the required time frame.

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2188 M. The Region Background Screening Committee will carefully consider the 2189 applicant's criminal history and/or child or adult abuse or neglect findings along 2190 with any information submitted by the applicant to determine if approval of the 2191 background screening will create a likely threat of harm to a child.

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- 2193 N. The review will consider factors such as:
  - 1. The date of the offense or incident;
  - 2. The nature and seriousness of the offense or incident;
  - 3. The circumstances under which the offense or incident occurred:
  - 4. The age of the perpetrator when the offense or incident occurred;
  - 5. Whether the offense or incident directly relates to abuse of a child or vulnerable adult, including:
    - a. Actual or threatened non-accidental physical or mental harm;
    - b. Sexual abuse:
    - c. Sexual exploitation;
    - d. Negligent treatment;

2204 2205 2206 6. Any evidence provided by the person of rehabilitation, counseling, or psychiatric treatment received, or additional academic or vocational schooling completed by the person, and

2207 7. Any other pertinent information.

O. Approval or denial will be determined according to standards established in Utah Code Ann. §62A-2-120 and Utah Code Ann. §62A-4a-1002.

## 504.10 Steps If Background Screening Is Denied After A Child Has Been Placed With A Kinship Caregiver/Friend

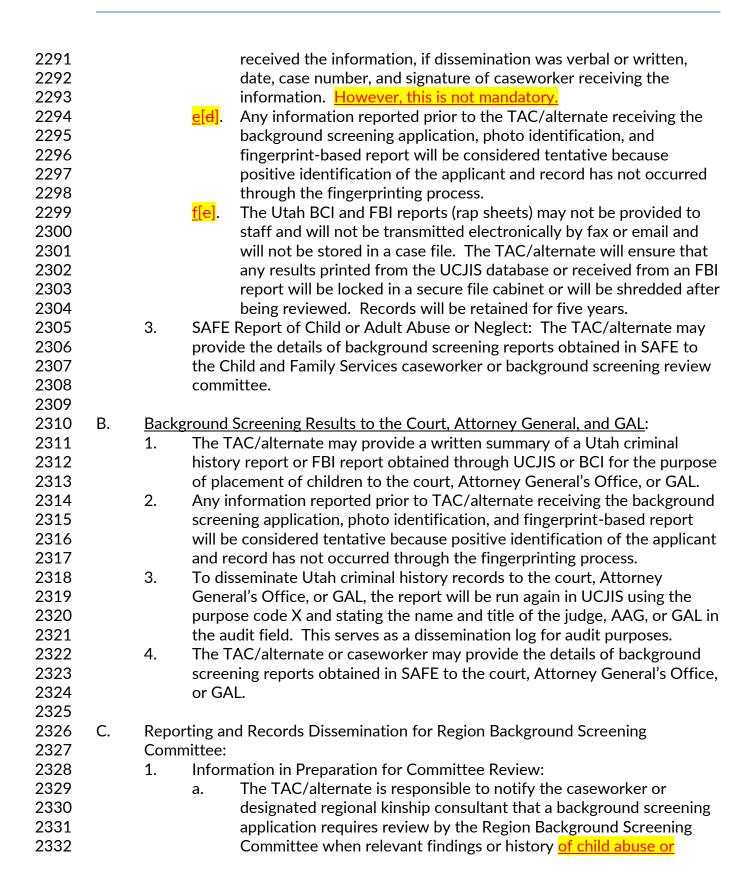
- A. If a child was placed with a kinship caregiver/friend in an approved Preliminary Placement, and subsequent background screening of an adult in the home is not approved, Child and Family Services will:
  - 1. Reassess safety based on safety decision-making (see Practice Guidelines Section 502.4).
  - 2. Consult with the AAG and GAL assigned to the case.
  - 3. Child and Family Services cannot approve ongoing placement of a child in Child and Family Services custody with a kinship caregiver/friend that does not meet background screening requirements.
  - 4. Evaluate placement options and time frames in terms of immediate threat of harm, placement stability, and long-term view with the Child and Family Team. The team will decide if it is in the child's best interest to transition to another placement or to recommend to the court that custody and guardianship be granted to the kinship caregiver. If the child is placed with a friend that has been identified by the parent and the background screening is not approved, the child must be moved to a new placement as soon as possible, as the friend will not qualify to become a licensed foster parent. Child and Family Services will not recommend that temporary custody and guardianship be granted to a friend.
  - 5. If custody and guardianship is going to be recommended to the court, educate the court on the ramifications of granting custody and guardianship without an approved background screening (e.g., the family will not qualify for adoption assistance if they later decide to adopt).
- 2239 B. Prior to the Child and Family Team Meeting and before requesting a court
  2240 hearing, the caseworker will meet with the kinship caregiver to discuss
  2241 ramifications of taking custody and guardianship when background screening was
  2242 not approved (e.g., will not qualify for adoption assistance if they later choose to
  2243 adopt) so the decision can be made with full knowledge of the options.
- 2245 C. If a decision is made to move the child to another placement, the caseworker will work with the kinship caregiver/friend to transition the child to another appropriate placement in a time frame consistent with the urgency identified through the safety assessment.

The caseworker will move the child to another placement and provide written notice of the change of placement to the court and all parties to the proceedings within three days of the removal, excluding weekends and holidays.

D. If the Child and Family Team decides not to recommend that the kinship caregiver be granted custody and guardianship, the caseworker may inform the kinship caregiver of the their option to obtain their own legal counsel to seek temporary custody and guardianship of the child from the court on their own.

## 504.11 Communication Of Background Screening Results And Dissemination Of Records

- A. <u>Background Screening Results to Child and Family Services Staff:</u>
  - 1. Expedited Request:
    - a. If the caseworker verbally requested expedited background screening for a Preliminary Placement and communication of the results is urgent, the TAC/alternate may notify the caseworker verbally if the background screening is approved, needs further review, is denied, or could not be completed based upon the verbal information provided.
    - b. The TAC/alternate will not provide specific details to a caseworker about a background screening history that was initiated by a verbal request until the TAC/alternate has received the Kinship Background Screening Application providing written authorization for the screening and photo identification [, and a dissemination log is completed]. However, if dissemination of details is urgent to the Preliminary Placement decision, the results may be shared but will be considered tentative.
  - 2. UCJIS Report for Utah Criminal History and FBI Reports:
    - a. The TAC/alternate may only communicate details contained in a Utah criminal history or FBI report obtained through UCJIS or the BCI/ABC Webpage to Child and Family Services staff who are authorized to receive the information (such as caseworker, supervisor, kinship consultant, or background screening committee members who have been trained, tested, and fingerprinted, and who have approved access rights through BCI).
    - b. Any details shared will only be provided in a summary of the original report.
    - c. All details can be shared verbally.
    - d[e]. A dissemination log can[will] be maintained and a dissemination form can be completed to document the name of each person who



- <u>criminal records are[were]</u> found <u>from any of the management information systems or hard copy reviews</u>]. A summary of the background screening reports may be provided according to dissemination procedures for staff.
- b. The TAC/alternate will send the applicant notice of the review and give the applicant the opportunity to provide additional information required to complete the review. The notice will also include information about how the applicant may obtain their own criminal history or SAFE report of child and[or] adult abuse or neglect findings and [of-]steps to take if they believe there are errors on the [Child and Family Services has is considering an erroneous] background screening report used by Child and Family Services.
- c. The TAC/alternate will compile and submit required documentation to the Region Background Screening Committee for their review following dissemination procedures for staff specified above.
- 2. Information Dissemination Following Committee Review:
  - a. The Region Background Screening Committee is responsible to notify the TAC/alternate and caseworker or regional kinship consultant of the committee's decision to approve or deny background screening for Preliminary Placement. Dissemination guidelines must be followed for release of specific details of an applicant's criminal history.
  - b. The Region Background Screening Committee will return the original and all copies of the application, report summaries, and supporting documentation to the TAC/alternate to be stored in a locked file or destroyed. The TAC/alternate will retain documentation of the committee decision with the application and supporting documentation for five years.
  - c. If the Region Background Screening Committee denies the application, the TAC/alternate will send a written notice of denial to the applicant. Specific reasons for denial will not be provided.
- D. <u>Background Screening Application and Supporting Information for Office of Licensing:</u>
  - 1. After background screening for Preliminary Placement has been completed and fingerprint results received, the TAC/alternate will send the original Kinship Background Screening Application, a copy of photo identification and Social Security cards or verification of them, and supporting documentation to the Child and Family Services Background Screening Coordinator for submission to the Office of Licensing. The TAC/alternate will retain a copy of the information in a locked file until the original Kinship Background Screening Application is returned from the

- Background Screening Coordinator, who [and] will record transfer of the information in the dissemination log.
- 2. The TAC/alternate will let the caseworker or regional kinship consultant know if the Office of Licensing has approved or denied the background screening application. The TAC/alternate will retain the original Kinship Background Screening Application [-unless the kinship caregiver/friend is becoming licensed or subsequently adopts]. A copy of the application, photo identification and Social Security card will be sent to the kinship home study caseworker to be retained with the Child-Specific Home Study.
- 3. If the kinship caregiver/friend applies for a foster care license, a copy of the the original, approved background screening application , copy of photo identification and Social Security card will be submitted to the local licensor for the Office of Licensing with the Child-Specific Home Study.
- 4. Summaries of background screening reports may be communicated to the kinship home study caseworker for consideration of safety as part of the home study process following dissemination procedures. Specific background screening details will not be included in the kinship home study report.
- 5. Background screening reports and supporting documentation will not be submitted to local licensor.
- E. Reporting of Background Screening Status and Results to the Applicant:
  - I. The caseworker is responsible to keep the applicant informed regarding the status of background screening; specifically, if background screening is approved, denied, or requires further review. However, the caseworker is prohibited from reporting details of findings or history to the applicant, in accordance with BCI policies.
  - 2. The caseworker may give the applicant information about how to obtain their own criminal history or SAFE report of child or adult abuse or neglect findings.
  - 3. The TAC/alternate will notify the applicant of the opportunity to provide further information if background screening for Preliminary Placement is going to be reviewed by the Region Background Screening Committee and will send a written notice if denied.

2411 **505** (NO LONGER USED) 2412

2413 506 Temporary Custody And Guardianship With The Kinship 2414 Caregiver And Court-Ordered Kinship Support Services (KSS)

#### Major objectives:

The Child and Family Services caseworker may recommend to the court that the child be placed in the temporary custody of a kinship caregiver and that Child and Family Services provide a comprehensive array of kinship support services (KSS) to the child, the kinship caregiver, and the parent. Friends identified by the parents as caregivers for the child and with whom the child was placed in a Preliminary Placement but are not licensed foster parents at time the child is placed are not eligible for temporary custody and guardianship and are required to become licensed foster parents.

#### **Applicable Law**

Utah Code Ann. §62A-4a-105. Division responsibilities.

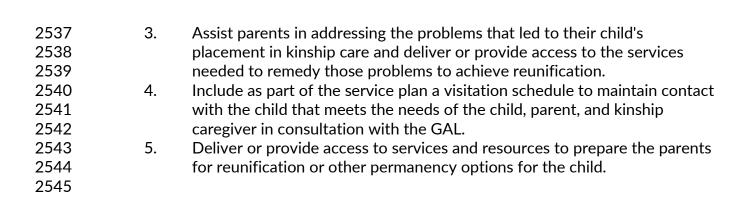
#### **Practice Guidelines**

- A. Temporary custody to the kinship caregiver and court-ordered kinship support services may be recommended to the court when the initial permanency goal is reunification and the kinship caregiver has agreed to:
  - 1. Work with the parent and Child and Family Services to reunify the child with the parent.
  - 2. Cooperate with Child and Family Services, the GAL, the AAG, and other support agencies.
  - 3. Follow all court orders.
  - 4. Commit to the long-term permanency plan, which may include adoption or permanent custody and guardianship of the child by the kinship caregiver.
  - 5. Resist and report inappropriate and unauthorized requests by the parent for access to the child.
  - 6. Commit to protect and care for the child as long as necessary.
  - 7. Provide a secure and stable environment for the child.
- 2444 B. The kinship caregiver needs to have the ability, commitment, and resources to access and use the services needed to address the child's developmental, mental health, educational, or medical needs.
  - C. The Child and Family Services caseworker needs to provide the kinship caregiver with the following supports and services to meet the child's needs, assist the child's parents, and meet the relative's needs as caregivers:
    - 1. Provide kinship support services for a minimum of six months unless otherwise ordered by the court.
    - 2. Contact the kinship caregiver within five working days of placement and visit the kinship caregiver's home within 10 working days of placement to:

- a. Observe the conditions and circumstances of the kinship caregiver's home.
- b. Determine the health, well-being, and safety of the child.
- c. Identify any resource and service needs of the kinship caregiver and the child.
- 3. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
- 4. Assist in obtaining any necessary financial and medical assistance for the child and the kinship caregiver, within 30 days of placement, which needs to include:
  - a. Explanation of the tasks needed for meeting eligibility criteria for specific funding sources.
  - b. Technical assistance in securing documentation (i.e., Social Security cards, birth certificates, legal documents) necessary for completing financial applications.
  - c. Advocacy for the kinship caregiver with potential funding sources throughout the application, interview, and evaluation processes.
- 5. Provide an opportunity for input into the service plan and participation in ongoing Child and Family Team Meetings.
- 6. Thoroughly discuss the reunification services, the permanency plan, and the permanency time frames with the kinship caregiver.
- 7. Offer and provide training and workshops based on the needs and interests of the kinship caregiver.
- 8. Conduct a minimum of one visit per month to the home of the kinship caregiver. The caseworker may make additional visits if the kinship caregiver needs assistance and instruction to deal with the child's special needs or if Child and Family Services has reason to believe that the parent may harass or interfere with the kinship caregiver and help is needed to cope with the interference.
- 9. Assist in establishing a specific visitation plan as part of the service plan between the child and the parent and develop the rules that will govern the visits. Visits between the child and the parent will occur a minimum of one time per month. If problems arise with visitation, the kinship caregiver can request Child and Family Services to be actively involved in establishing visitation guidelines and schedules.
- 10. Assist in maintaining relationships with other extended family when possible and appropriate.
- 11. Provide access to a Child and Family Services family resource consultant to provide support, respond to questions and solve problems, offer referrals to training and workshops, conduct face-to-face quarterly field visits, and provide resource consultation.

- D. The Child and Family Services caseworker needs to provide the following services and supports to meet the needs of the child and needs to work collaboratively with the kinship caregiver to enable the child to receive the needed services:

  1. Assist the kinship caregiver in setting up and attending the child's required
  - 1. Assist the kinship caregiver in setting up and attending the child's required mental health, dental, and health assessments. The assessment appointment needs to be scheduled within 30 days of placement. Ongoing treatment recommendations will be incorporated into the service plan and monitored by the caseworker. The Child and Family Services caseworker will report to the court, the GAL, and the AAG the status of the assessments.
  - 2. Conduct a minimum of one visit per month with the child (this may occur at the same time as the visit with the kinship caregiver). The Child and Family Services caseworker will visit with the child outside the presence of the kinship caregiver to help assure that the child has a safe and healthy relationship with the caregiver.
  - 3. Contact an individual other than the kinship caregiver who knows the child and who can provide feedback on the child's well-being.
  - 4. Facilitate contact and visits between the child and the parent unless safety concerns exist.
  - 5. Share information about the parent's activities and progress toward reunification or other permanency options.
  - 6. Prepare the child to return to the parent's care or another permanent arrangement including adoption or permanent guardianship by the kinship caregiver.
  - 7. Assist in maintaining relationships with siblings through visits and shared activities whenever possible.
  - 8. Provide an opportunity for input into the service plan, when age appropriate, and identify the roles and responsibilities of the child in the service plan.
  - 9. Advocate for the child in negotiating with other service systems and brokering access to resources for the child.
  - E. The Child and Family Services caseworker needs to provide the following services to parents that will support and enhance their functioning as parents:
    - 1. Involve parents in service planning and thoroughly inform them of their roles and responsibilities in the plan (if circumstances warrant, separate plans may be developed for each parent).
    - 2. Invite parents to participate in ongoing Child and Family Team Meetings to assess progress in meeting the service plan and the permanency planning goals.



### 2546 507 Periodic Review Of Kinship Placement

#### Major objectives:

Child and Family Services will periodically re-evaluate the appropriateness of the kinship/friend placement in consultation with the Child and Family Team.

#### **Applicable Law**

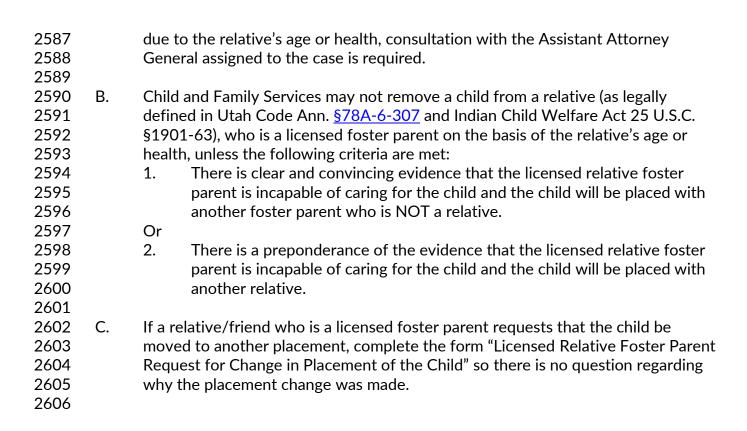
Utah Code Ann. §62A-4a-105. Division responsibilities.

#### **Practice Guidelines**

- A. The Child and Family Services caseworker needs to assess the kinship/friend placement and the reunification efforts within six months of the placement, unless otherwise ordered by the court. The assessment needs to address the following:
  - 1. Has the parent made reasonable efforts to comply with the offered reunification services and the service plan?
  - 2. Is the continuation of the placement in the child's best interests by supporting the safety, permanency, and well-being of the child?
  - 3. Can the child and the kinship caregiver/friend maintain a stable relationship and function effectively with reduced or increased services from Child and Family Services?
  - 4. Does the child have an ongoing need for financial assistance beyond basic maintenance?
  - 5. Does the child and kinship caregiver/friend require the ongoing services of a caseworker?
  - 6. Can the child's needs be met through the kinship caregiver/friend's use of community resources and has the kinship caregiver/friend agreed to access or continue to maintain those services?
- B. The Child and Family Services caseworker needs to report the findings of the placement assessment and make a recommendation to the court as to whether:
  - 1. The placement with the kinship caregiver/friend continues to be in the best interest of the child.
  - 2. The child should be returned home.
  - 3. The child should be placed in the custody of Child and Family Services.

## 507.1 Removal Of A Child From The Home Of A Licensed Relative/Friend

A. When considering the removal of a child from a licensed relative/friend foster parent when the relative/friend foster parent is incapable of caring for the child



2607	508	Statutory Timelines For Establishing Permanency
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2609	(Refer to	Practice Guidelines <u>Section 301.2</u> .)
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a.

#### **Preparing Kin For Permanency Plan** 509 2611 2612 Major objectives: 2613 Child and Family Services will adequately prepare the child's kin for a permanency plan. 2614 2615 2616 **Applicable Law** 2617 Utah Code Ann. §62A-4a-105. Division responsibilities. 2618 2619 **Practice Guidelines** 2620 In order to recommend the most appropriate final permanency plan for the child. 2621 the Child and Family Services caseworker needs to ensure the following issues are 2622 addressed: 2623 1. If reunification with the parent is recommended: Conditions, circumstances, or risks that resulted in removal of the 2624 a. 2625 child have been sufficiently reduced. Reunification with the parent is in the best interest of the child. 2626 b. 2627 Substantial efforts to comply with the service plan have been made c. 2628 by the parent. 2629 d. A transition plan for the child's safe return home includes follow-up supervision, services to the child, and services to the parent. 2630 2631 2. If permanent custody and guardianship with the kinship caregiver/licensed 2632 friend is recommended: 2633 Reasonable efforts to reunify the child and parent were not a. 2634 successful or were not ordered by the court. Permanent custody and guardianship is in the best interest of the 2635 b. 2636 child and is preferable to other permanency options. The kinship caregiver/licensed friend is informed of the child's 2637 c. 2638 special needs and the circumstances of the child's removal. 2639 d. The child and the kinship caregiver/licensed friend can maintain a 2640 stable, safe, and nurturing relationship. The child's needs can be met through the kinship caregiver/licensed 2641 e. 2642 friend 's use of community resources. 2643 The kinship caregiver/licensed friend has been informed that they f. 2644 may contact the Child and Family Services family resource 2645 consultant at any time in the future if services or supports are 2646 needed for themselves or the child. 2647 The parent has been informed of the child support obligation they g. will be required to provide if the kinship caregiver continues to 2648 2649 receive a TANF Specified Relative payment.

If termination of parental rights and adoption are recommended: Facts and circumstances support termination.

2652	b.	Reasonable efforts to reunify the child and the parent were
2653		unsuccessful or were not ordered by the court.
2654	c.	ICWA requirements have been met for an Indian child.
2655	d.	Attitudes and wishes of the child regarding adoption and
2656		termination of parental rights have been considered.
2657		

## Temporary Custody And Guardianship With Child And Family Services And Licensed Kinship Foster Care (KFC)

#### Major objectives:

The Child and Family Services caseworker may recommend to the court that temporary custody of the child be ordered to Child and Family Services, the child be placed in the home of a kinship caregiver/friend, the identified kinship caregiver/friend becomes a licensed foster care provider, and Child and Family Services provides out-of-home care services (KFC).

#### Applicable Law

Utah Code Ann. §62A-4a-105. Division responsibilities.

#### **Practice Guidelines**

- A. The Child and Family Services caseworker will adhere to out-of-home procedures and Practice Guidelines when a child is placed in kinship foster care. The Child and Family Services caseworker needs to provide the kinship caregiver/friend with the following supports and services to meet the child's needs, assist the child's parents, and meet the kinship caregiver/friend's needs:
  - 1. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
  - 2. Access to a family resource consultant to provide support, respond to questions and solve problems, offer referrals to training and workshops, conduct face-to-face quarterly field visits, and provide resource consultation.
  - 3. Conduct additional visits to the home of the kinship caregiver/friend if the kinship caregiver/friend needs assistance and instruction to deal with the child's special needs, or if Child and Family Services has reason to believe that the parent may harass or interfere with the kinship caregiver/friend and help is needed to cope with the interference.
  - 4. Assist in establishing a specific visitation plan between the child and the parent and develop rules that will govern the visits. If problems arise with visitation, the kinship caregiver/friend can request Child and Family Services to be actively involved in establishing visitation guidelines and schedules.
- B. In order to assist the kinship caregiver/friend to become a licensed foster home, the Child and Family Services caseworker needs to:
  - 1. Provide follow-up assistance and advocacy until the kinship caregiver/friend receives foster parent licensure.
  - 2. Forward to the Office of Licensing a copy of the completed Kinship Home Study and the results of the criminal background check on the kinship

2700		caregiver/friend and all members of the household over the age of 18
2701		years.
2702	3.	Offer services and supports, as appropriate, to assist the kinship
2703		caregiver/friend in adapting the home to meet licensing standards and the
2704		needs of the child.
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### 511 Permanent Custody With The Relative

#### Major objectives:

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When, at the shelter hearing or subsequent hearing, the court orders permanent custody and guardianship of the child to the relative and the child is no longer under the jurisdiction of the court, the Child and Family Services caseworker needs to contact the relative to explain available services.

#### **Applicable Law**

Utah Code Ann. §62A-4a-105. Division responsibilities.

#### **Practice Guidelines**

The Child and Family Services caseworker needs to do the following:

- A. Contact the relative within five working days of the permanency order to:
  - 1. Outline all possible financial and medical resources available for the child and family, discuss the financial impact to selecting certain financial supports, and provide technical assistance in securing the documentation necessary for completing financial applications.
  - 2. Provide information on available community resources including educational, recreational, and medical services that could assist the child and the relative family.
- B. Assist the family with voluntary in-home services if requested by the kinship caregiver.
- 2732 C. Inform the relative that they may contact the Child and Family Services family
   2733 resource consultant at any time in the future if services or supports are needed
   2734 for themselves or the child.

### 512 Preparing Kin For Permanency Decision

#### Major objectives:

The Child and Family Services caseworker will make reasonable efforts to adequately prepare kin/friend for permanency hearings and decisions.

#### **Applicable Law**

Utah Code Ann. §62A-4a-105. Division responsibilities.

#### **Practice Guidelines**

- A. At the permanency hearing, the Child and Family Services caseworker may recommend the following permanency options:
  - 1. Reunification with parents.
  - 2. Permanent custody and guardianship with the kinship caregiver/licensed friend.
  - 3. Adoption by the kinship caregiver/friend.
  - 4. Non-related adoption.
  - 5. Transition to independence.
  - 6. Long-term kinship care.
- B. If long-term kinship care is recommended, the Child and Family Services caseworker needs to ensure the following issues are addressed:
  - 1. Reasonable efforts to reunify the child and parent were not successful.
  - 2. Long-term kinship care is in the child's best interest, provides stability and permanency, and is preferable to all other permanency options.
  - 3. Compelling reasons to not proceed with termination or permanent custody and guardianship have been documented on a case-by-case basis. The following examples may warrant not recommending a permanent home for the child:
    - a. A child's Indian tribe is opposed to termination of parental rights and has determined the child needs to remain with the kinship caregiver.
    - b. A child has complex and expensive mental health, medical, or developmental needs and the kinship caregiver/friend's benefits and resources are insufficient to reliably cover the costs of the child's present or anticipated care and treatment.
    - c. A teenager is opposed to termination of parental rights and adoption.
    - d. Services identified in the case plan were not provided in a timely fashion.
    - e. The parents have made substantial progress in eliminating the problems causing the child's continued placement, and it is likely

2778	that the child will be able to return home safely within several
2779	months.
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